

JOE PATTEN'S FOX APARTMENT



n the autumn of 2010, the Fox Theatre unsuccessfully attempted to evict Joe Patten from his Fox Theatre apartment. Here is that story.

###

Joe Patten was born on February 9th, 1927, and he lives in Atlanta's Fox Theatre, which was opened on December 25th, 1929. In 1979, Joe was granted rent-free, lifetime occupancy of a deluxe Moorish-style apartment by the Fox Theatre trustees.

JOE PATTEN



THE FOX THEATRE



Joe's first official connection with the Fox began in 1963 when he, as a volunteer, repaired and restored the Moller pipe organ which had been rendered unplayable for fifteen years because of "ciphers." Below, newly-employed house organist Bob Van Camp (in tux) and Joe (in the background) at the organ and at the piano which Joe bought in 1964 and donated to the Fox. The "Magic Piano" could be played from the organ console. To view a video clip of Van Camp playing the organ in 1963, [click here](#).



n 1968, Joe Patten produced the first recording of the organ.

THE ATLANTA CONSTITUTION, Saturday, Feb. 10, 1968

A First for Bob Van Camp

The Fox's Mighty Mo Sounds Off

By ELLEN WILLIS

Thirty years after its debut as the world's largest pipe organ, the Great Moller Organ at Atlanta's Fox Theatre is having a second premiere this week.

A just-released album titled "Here with the Wind," the first recording using the \$30,000 instrument, features Bob Van Camp, WSB-Radio music director who has played the organ for 20 years.

The record is also Van Camp's first album and he plays "the favorites of the Fox," an favorite melodies like "Strangers in the Night," "Winchester Cathedral," "Michele" and "Spanish Flea."

AS A PART of the rejuvenation of interest in theater organs, over the past 10 years, an Organ of the Month Club was established three years ago. The January selection of the club, which distributes organ recordings to members in the United States, England, Australia and Scotland, is Van Camp's record spotlighting Atlanta's "Mighty Mo," as the organ is affectionately called.

"People of the United States and all over the world will now be aware of the fantastic sound of the Fox," Van Camp said in an interview Friday. "Late one night last week I had two telephone calls from Rochester and Buffalo, in New York, from people who wanted to tell me how much they enjoyed their recording of the organ."

Recording began last summer on Sunday mornings after the organ's semi-annual tuning. The difficult task of tuning is performed "with loving care" by

Joe Patten, a sales representative for an X-ray company and an avid theater-organ enthusiast who has tuned the mammoth organ as a hobby since 1963.

PATTEN SPENDS most of his spare time in the five organ chambers which frame the Fox's 50-foot stage.

"Very rarely is the organ used when I'm not here," Patten said.

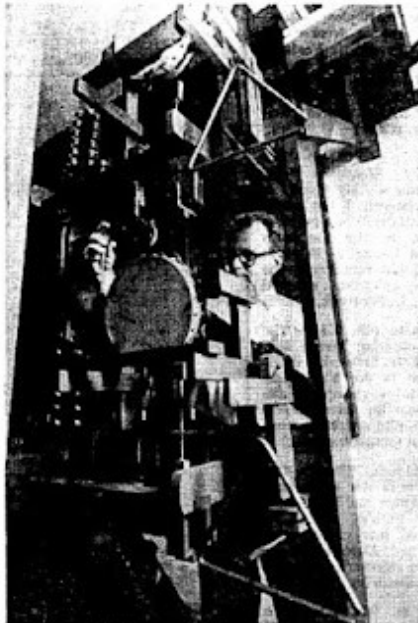
Though he cannot play the organ, Patten is a master engineer in keeping the intricate traps and pipes in excellent condition. He also was recording engineer for the album.

"If I played it, I wouldn't get any work done," he said. "The greatest pleasure I get is seeing people enjoy the sound of this great organ."

THE MOLLER Organ, second largest after the organ in the Radio City Music Hall in New York City, lay dormant for 10 years, unplayable through idleness, until Joe Patten started a restoration program in 1963.

On Thanksgiving Day 1963, Van Camp and the restored organ again made their debut, and both can be seen and heard at two performances each Friday, Saturday and Sunday night at the Fox Theater.

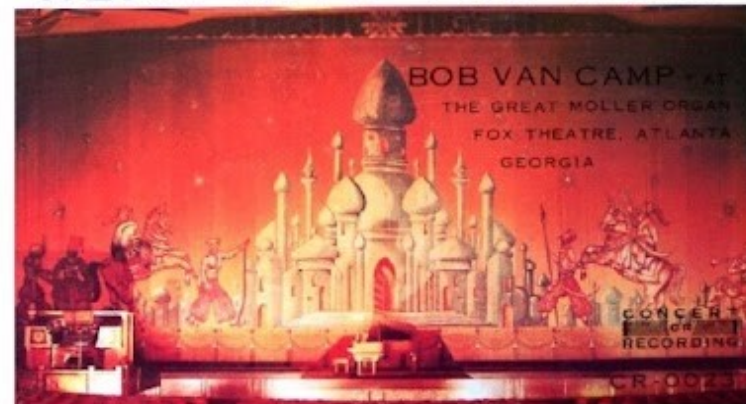
The album, released by Concert Recording Co. of Lynwood, Calif., is on sale at the Fox and soon will be available in Atlanta stores.



JOE PATTEN RAPS A RAT-A-TAT ON SNARE DRUM Triangle, Castanets, Other Instruments In Fox Organ



HERE WITH THE WIND



An April, 1971 article featured Joe's protege Robbie Irvin, who had come to the Fox at age 9 in September, 1965.

Youngest Theater Organist



**Robbie Irvin is a 15-year-old
Atlanta movie-house music man**

Four years ago Robbie Irvin, staff organist for Atlanta's Fox Theater, began learning how to make the instrument produce such sounds as "aeroplane," bird songs, church bells and T-Model Ford horn, and even a "phantom piano."

By Paul Jones

ROBBBIE Irvin of College Park, Ga., at age 15 has achieved a couple of rare distinctions.

Not only does he rank as America's youngest professional theater organist, but he also gets paid to exercise an instrument other musicians might give their best hemidemisemiquaver to try — the monumental, world-famous pipe organ in Atlanta's Fox Theater.

Moreover, Robbie, a bright and handsome 10th grader at College Park High

School, knows exactly what he's got his hands — and feet — on.

The greatest console of any theater organ in the world, for one thing. For example, the Fox organ's "storm" effect simulated a heavy rainstorm, with thunder and wind. "This effect can literally rock the theater," Robbie said.

The organ not only simulates saxophones, clarinets and trumpets, but can produce such unusual effects as "the song of birds," a T-Model Ford horn, or, via tuned chimes,



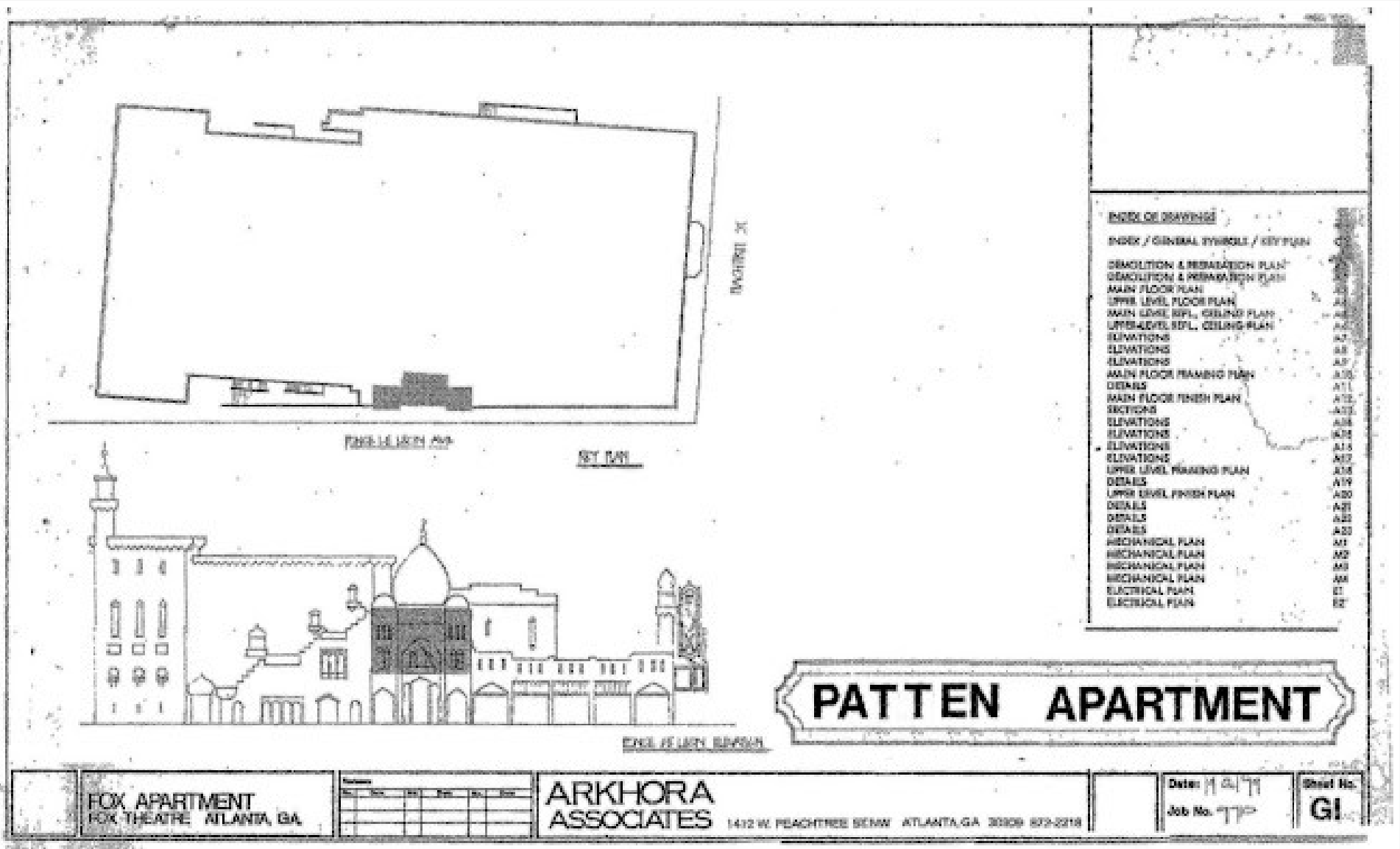
Still a volunteer in 1975, Joe Patten was pivotal in saving the Theatre when it was in eminent danger of being demolished by Southern Bell. Shown below with newly-formed Atlanta Landmarks head Pat Connell (left), Joe poses in front of the "closed" sign (and broken glass) at the Fox ticket kiosk.



Once the Fox had been saved, and had turned legit, Joe was hired as Technical Director, Engineer, and keeper-- all that in addition to his "day job," as an expert installer of major X-ray hospital installs. In 1980, Joe (shown below on the roof of the stage house) moved into the Fox Theatre.



Tony Smith of Arkhora was the architect of record.



How Joe became a resident of the Fox is explained in this Atlanta Constitution profile.



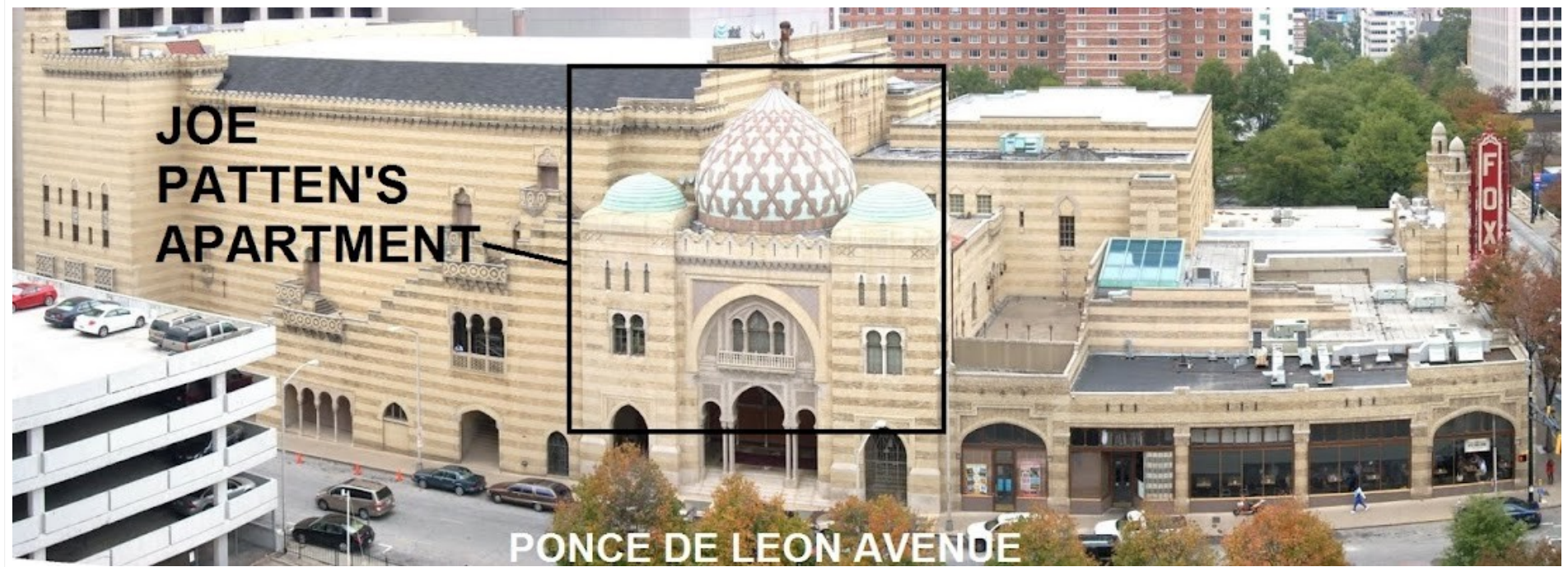
Twenty years ago, Joe Patten began working to upgrade the Fox Theatre. Today, he lives there.

PHANTOM OF THE FOX

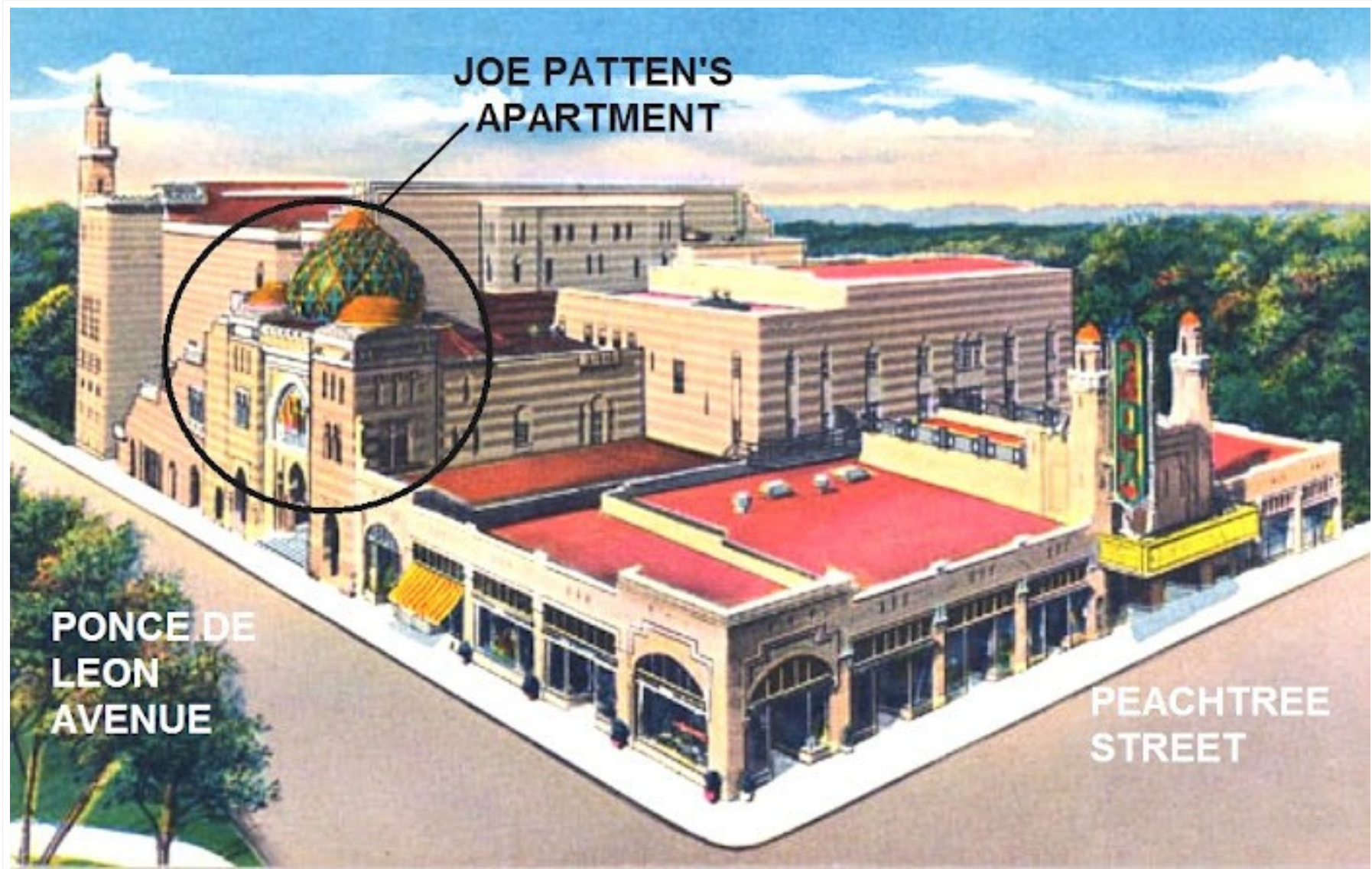
Patten's love affair with the Fox became more intimate three years ago when he moved from his former home in College Park into a 3,000-square-foot apartment he created, at his own expense, from unused office and storage space in the theater building. He is careful to stress that the move was first suggested by the board of directors, who wanted someone in the building as a caretaker. Since he was spending 16 hours a day at the theater anyway, Patten was the logical choice to serve as curator.

“The Fox is Mrs. Joe Patten,” says Atlanta organist Bob Van Camp. “Joe is married to that theater.”

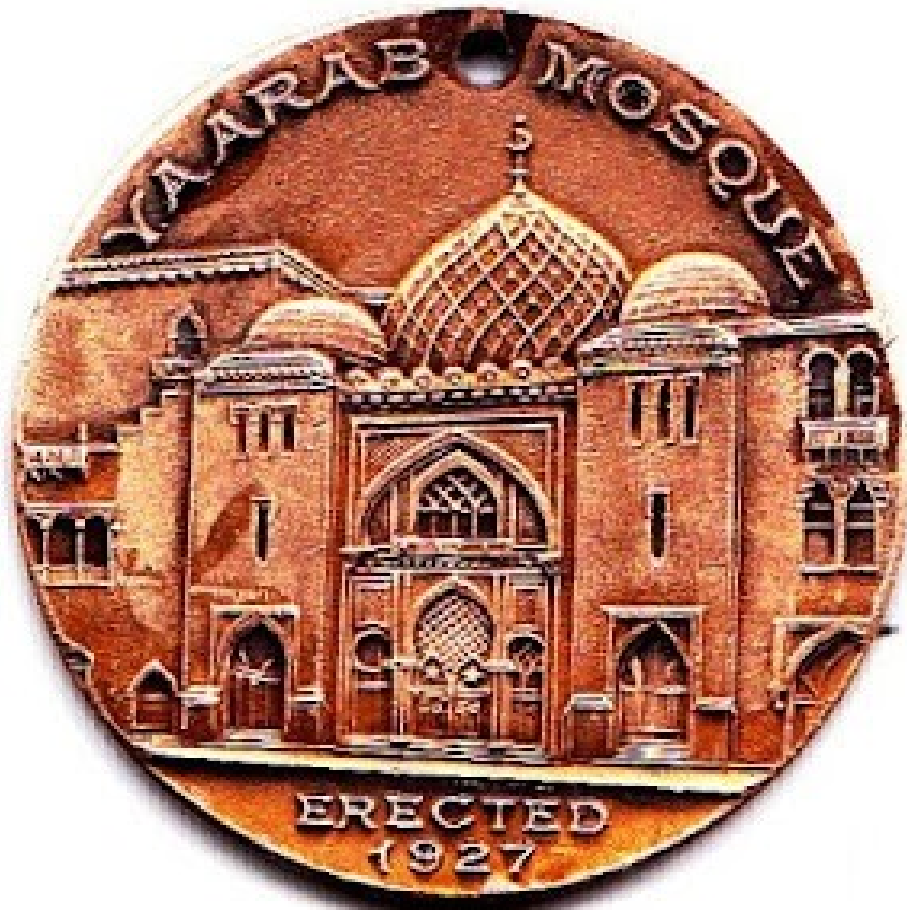
The 4600-seat Fox Theatre was built by the Atlanta chapter of the Shriners and included vast amounts of space designated for their use. Although the Shriners lost the building during the Depression, the Fox Theatre thrived as a first-run movie house for forty-five years.



Originally the Shrine Executive offices, the portion of the Fox which became Joe's apartment was occupied until 1975 by Georgia Theatre Company, a part owner of the Fox.



Arguably the best exterior detail, the Shrine entry was featured on the commemorative coin issued a year before construction began in 1928. "Erected 1927" was wishful thinking.



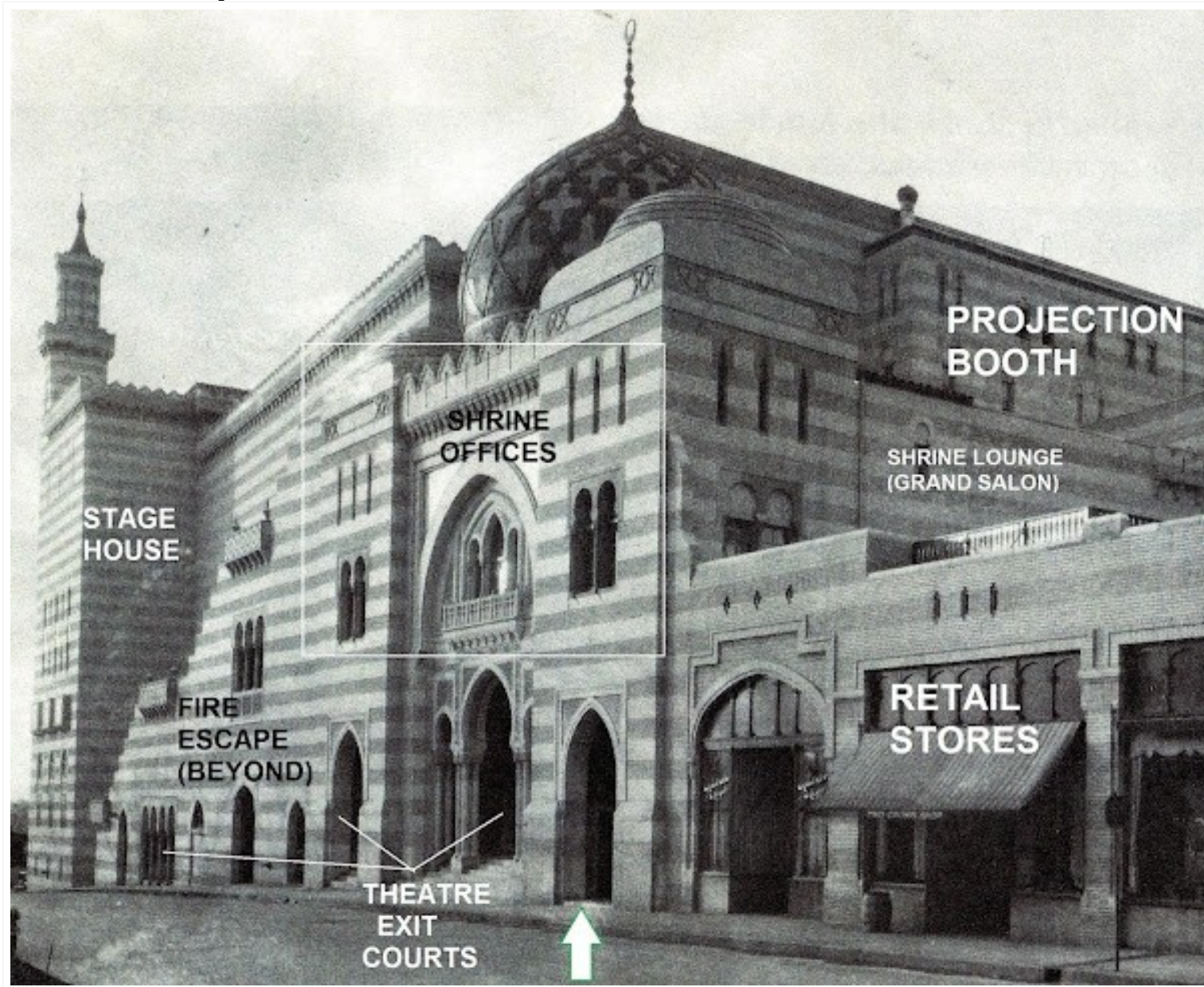
Joe's apartment, seen from Ponce de Leon Avenue.



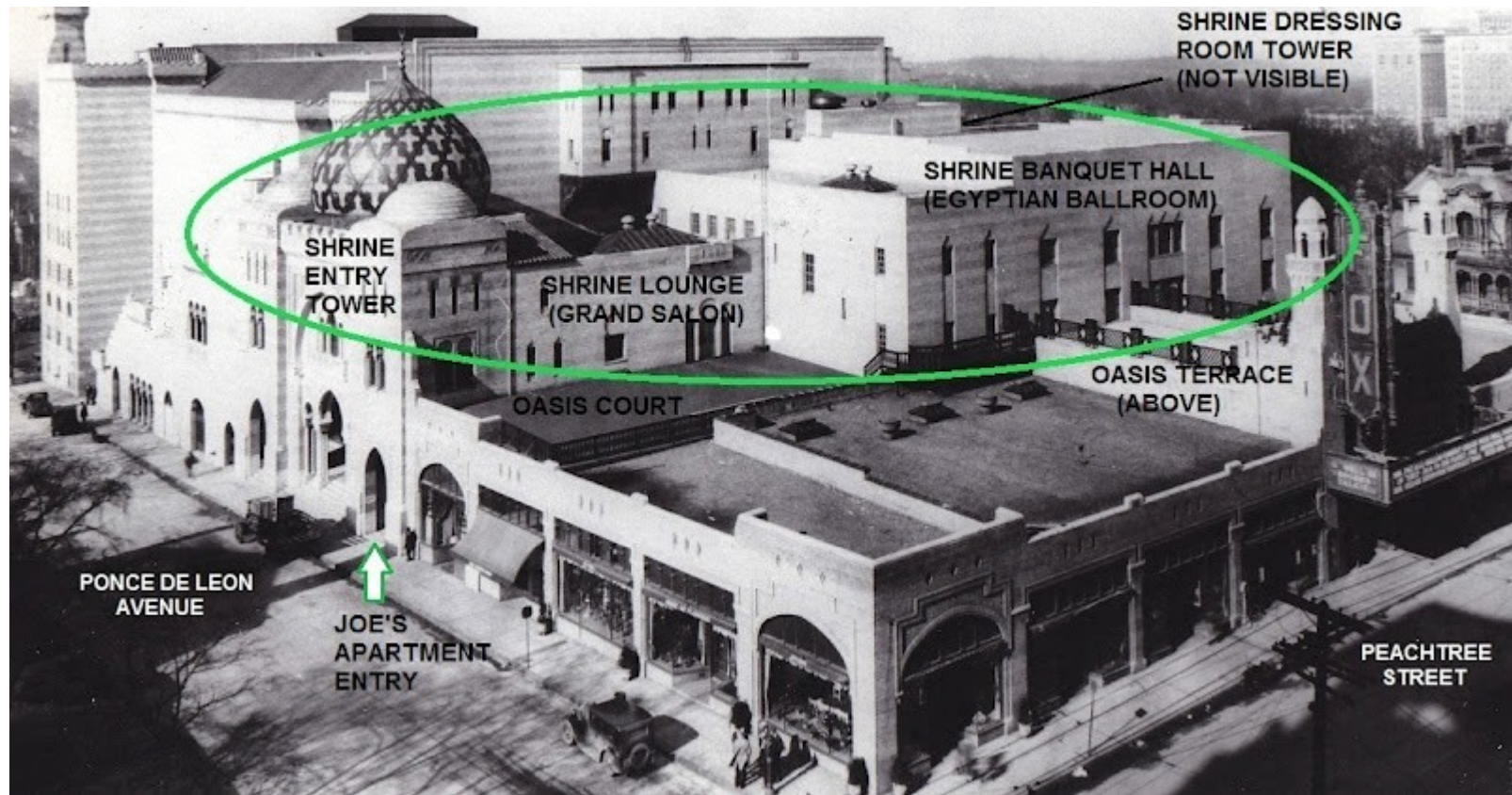
Number 60 Ponce de Leon, Joe's Front Door, was originally the Shriner's main entry to the building.



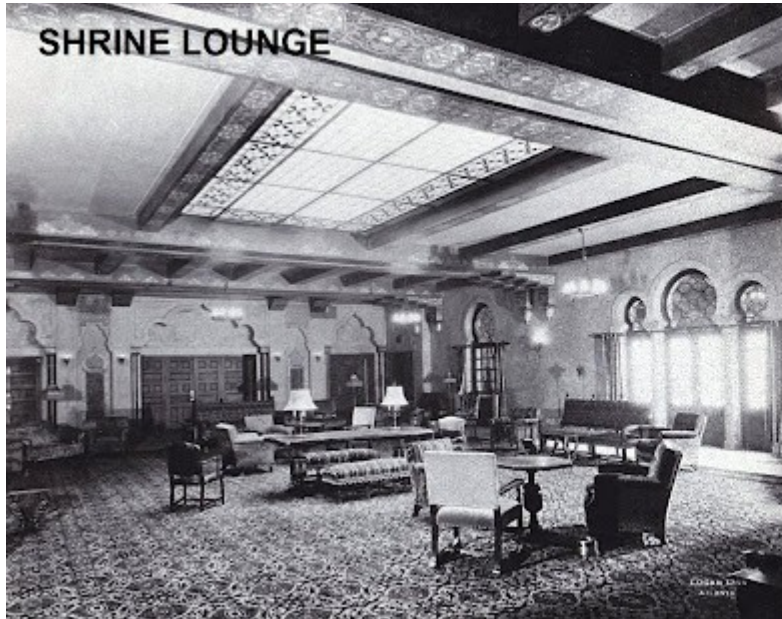
That same entry is marked here with an arrow.



and here as well:



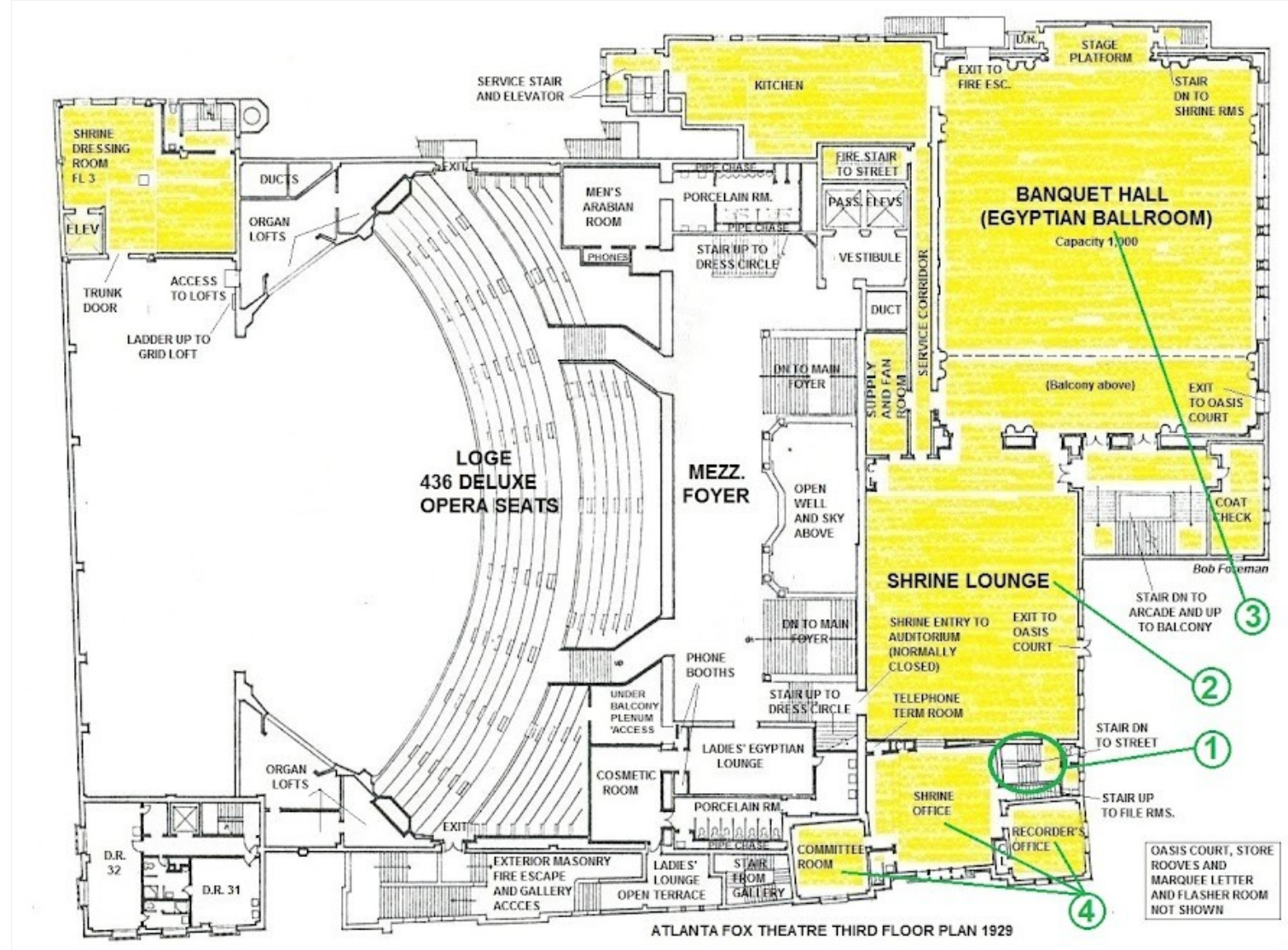
SHRINE LOUNGE



SHRINE BANQUET HALL



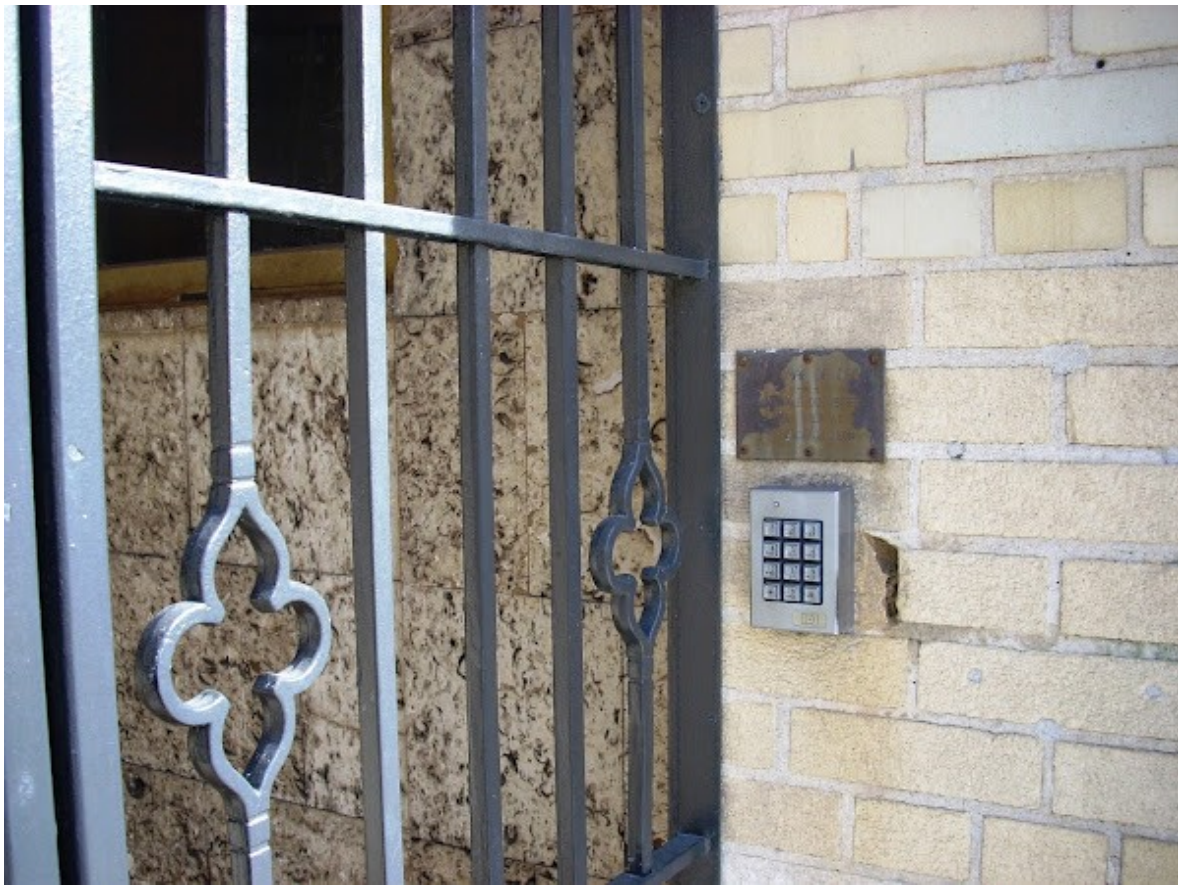
Once past the gate, the Shriners would climb a stair to the third floor (1), providing them access to the Shrine Lounge (2) and the Egyptian Ballroom (3). Adjacent to the Lounge were the Shrine Executive Offices (4), which comprise the Lower Level of Joe Patten's apartment. (Shrine-controlled portions of the Fox in yellow).



When Joe's apartment was created in 1980, a new ornate gate to match the Fox was designed and installed.



One must be invited into Joe's impregnable lair. A secret code tapped into the keypad releases the invisible gate lock.



Beyond the main doors to the stairwell, the vestibule contains three service rooms, including one originally utilized as a "cab call" for Shriners.



Ceiling detail.



To the left of the door to "cab call" can be seen the electric lock which must be keyed to release the Moorish inner doors. The green button opens the gates to the street.



Looking down upon the inner vestibule from the second landing of the stairwell. A key is also required for exit:



Looking down from the third and uppermost landing:



To the left are doors which lead directly into the Shrine Lounge, now known as the Grand Salon. Joe's apartment door is to the right, and all doors are interlocked with an alarm system.



A glimpse through the doors into the Grand Salon.



This is Joe's entrance vestibule, looking back at the door through which you entered, to the left. The new fountain and the window treatments, as with most of the apartment finishes, were designed by Rick Flinn, then Director of Restoration for the Fox Theatre.



Facing the opposite direction, Joe's corner office is visible up the three stairs, making a total of 39 STEPS from street level.



The windows facing Ponce de Leon Avenue are seen dead ahead.



Turning clockwise, the door to The Executive Washroom.



Opposite the Ponce de Leon window stands one of the several examples of custom finish cabinetry created for Joe's apartment. This massive bookcase is built on hidden wheels, is hinged, and the whole thing serves as a door to a secret closet.



The office leads into the Dining and Living Room.



The largest room in Joe's apartment boasts the most magnificent windows in the Fox Theatre building and a ceiling height of thirteen feet. Here is the dining area, with another restroom (left) and kitchen entry (right) seen beyond.



The Shriners, in the person of architect Ollivier J. Vinour, knew exactly what they were doing.



Joe's apartment, which was newly constructed in 1980 but designed to look old, sustains the level of Deluxe Detail as seen here in the original 1929 window hardware. The windows open onto a small balcony, from which official edicts could (and can) be proclaimed.



That window as seen from the street:



Facing away from the widows, on the Grand Salon side of the central room, is Joe's living area. The Music Closet contains the lower level stereo system and hundreds of piano rolls for the Chickering reproducing grand, seen to the left. The fire alarm panel (boxed) served a crucial role in 1996, when Joe, then age 69, saved the Fox a second time.



Joe was awakened at 5:10 on a Monday morning by the fire alarm remote panel, which showed the location

of the fire to be in the administrative offices located adjacent to his apartment. He immediately summoned the fire department.

FOX THEATRE FIRE, APRIL, 1996, courtesy AJC

Strong wall of Fox leaves theater unscathed

The order of events that led to the burning of the restaurant and its surrounding damage

JOE PATTEN'S APARTMENT

Direction
of fire →

Firefighters'
water spray →

Brick wall of the Fox
prevents the fire from
entering the theater

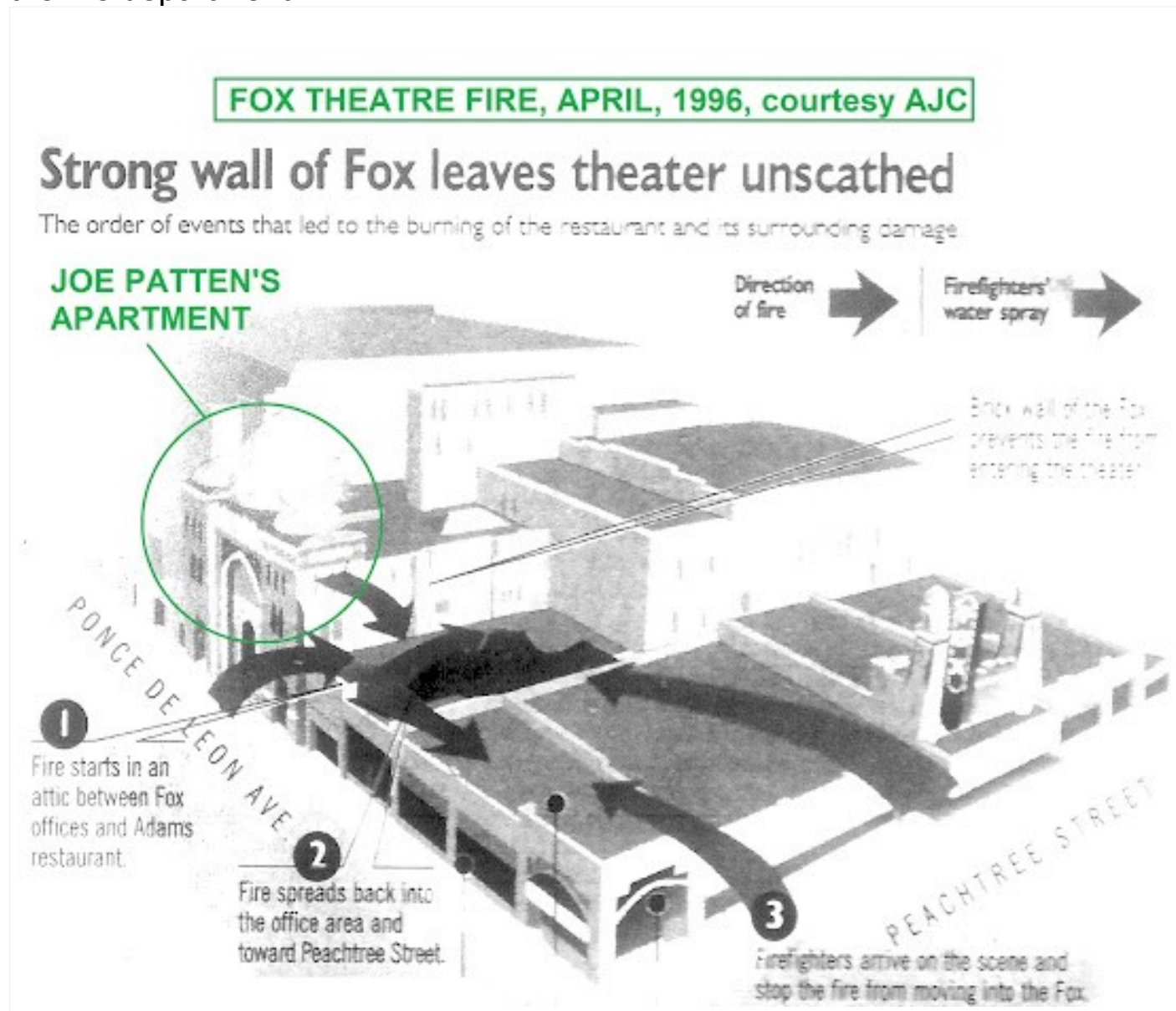
1
Fire starts in an
attic between Fox
offices and Adams
restaurant.

2
Fire spreads back into
the office area and
toward Peachtree Street.

3
Firefighters arrive on the scene and
stop the fire from moving into the Fox.

PONCE DE LEON AVE

PEACHTREE STREET



By 9:28 the four-alarm fire had been extinguished, having been contained to the offices, and the next evening a road show musical opened on schedule in the Theatre.



The aftermath of the fire, seen from Joe's Apartment. To view a short video clip of the fire, [click here](#).



Meanwhile, back at the ranch: Beneath the piano, the original terrazzo border meets the new flooring. The kitchen door is seen to the left.



The kitchen is an entirely new room, featuring custom cabinetry, tile floor, counters and ornamental backsplash.



Tile detail:



The window wall:



In the kitchen resides the safe that Joe rescued from an abandoned retail store formerly occupied by Aetna,

shown in a 1974 photo (inset). Herring Patent Champion is the safe's model name, and Chamberlin, Johnson & Company was a leading Atlanta department store which failed in the Depression.



Leaving the kitchen, one can see Joe's Hammond RT-3, to the far left.



"The steep and very narrow staircase" leads to the upper level of Joe's place.



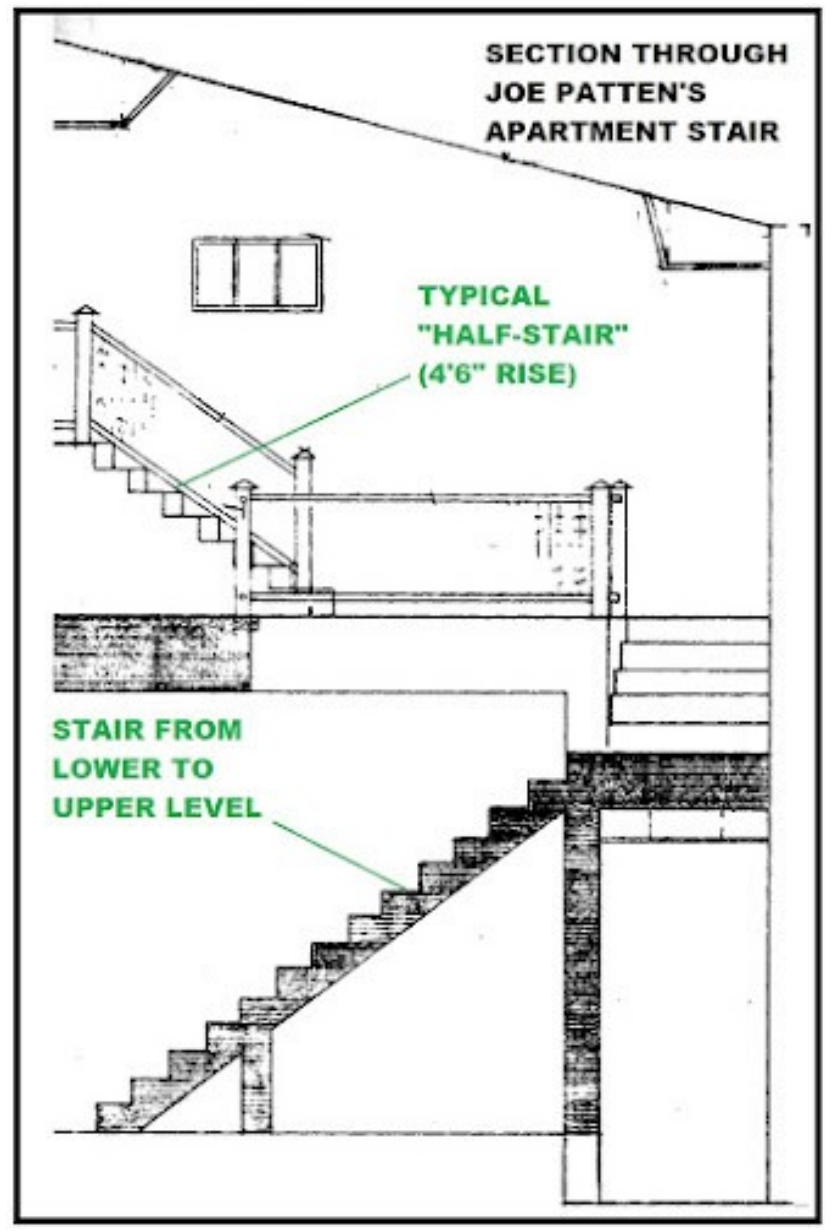
Looking back down:



The three upper level spaces were labeled "file rooms" on the drawings and were non-ornamental utility spaces, connected via Escher-like half-stairs so to allow the thirteen foot ceiling height in the central lower level room, while maximizing the ceiling heights of the file rooms.



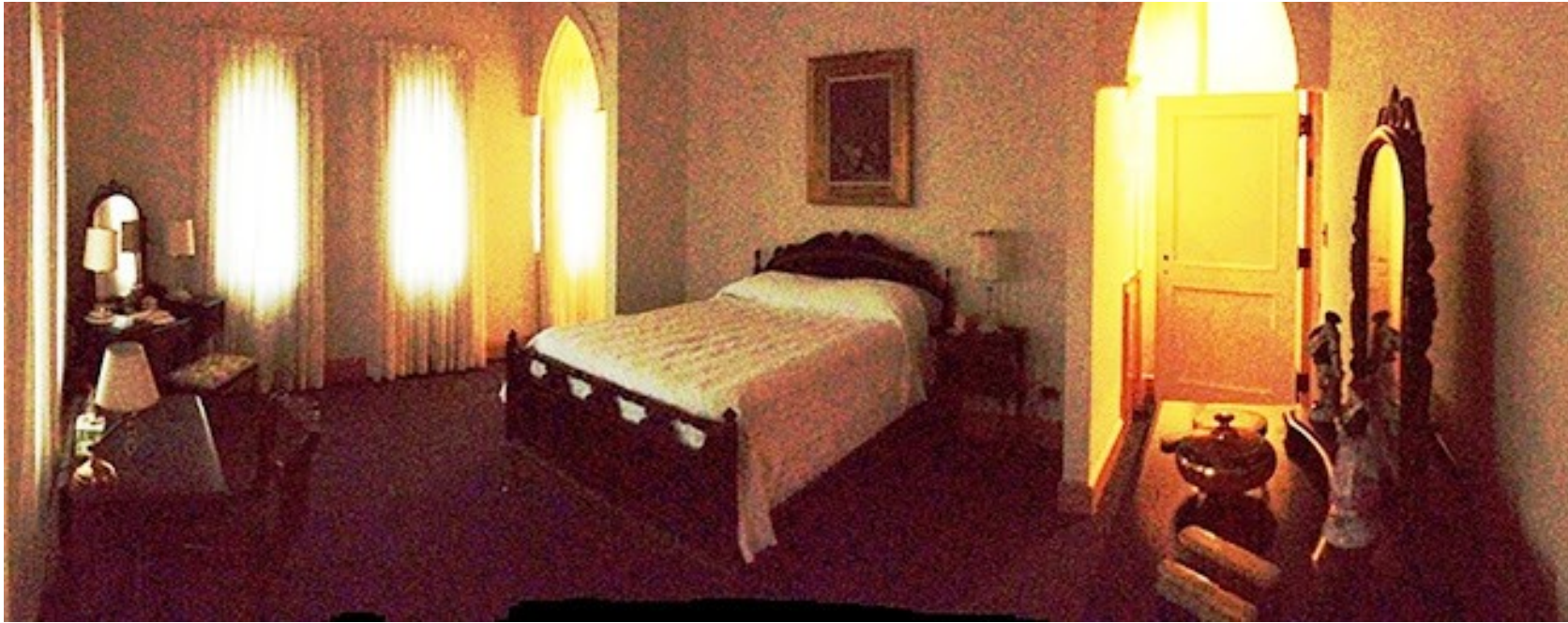
Those stairs in section:



Stair landing nook:



At the landing elevation is Joe's guest bedroom, where the bed is framed by a new partition, complete with Moorish arches, which conceals a new half-stair up to the new guest bathroom.



Up a half-stair from the Guest bedroom is the Music Room, complete with McIntosh tube amplifiers and circular stair to the central dome. The Music Room shares the center upper level with two new full baths and mechanical equipment for the entire apartment, which unlike the Theatre proper, was not originally air-conditioned.



Down yet another half-stair is the Master bedroom.

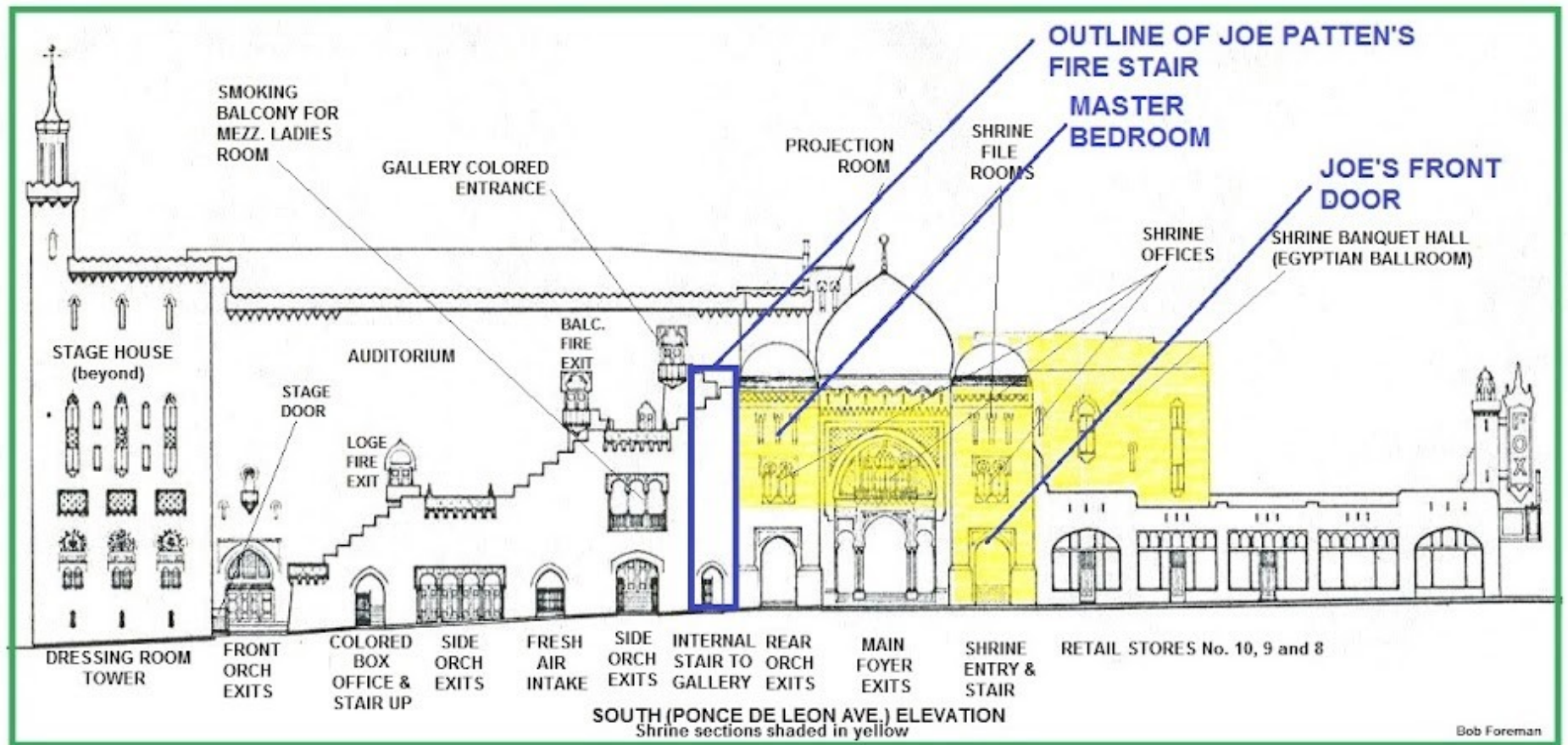




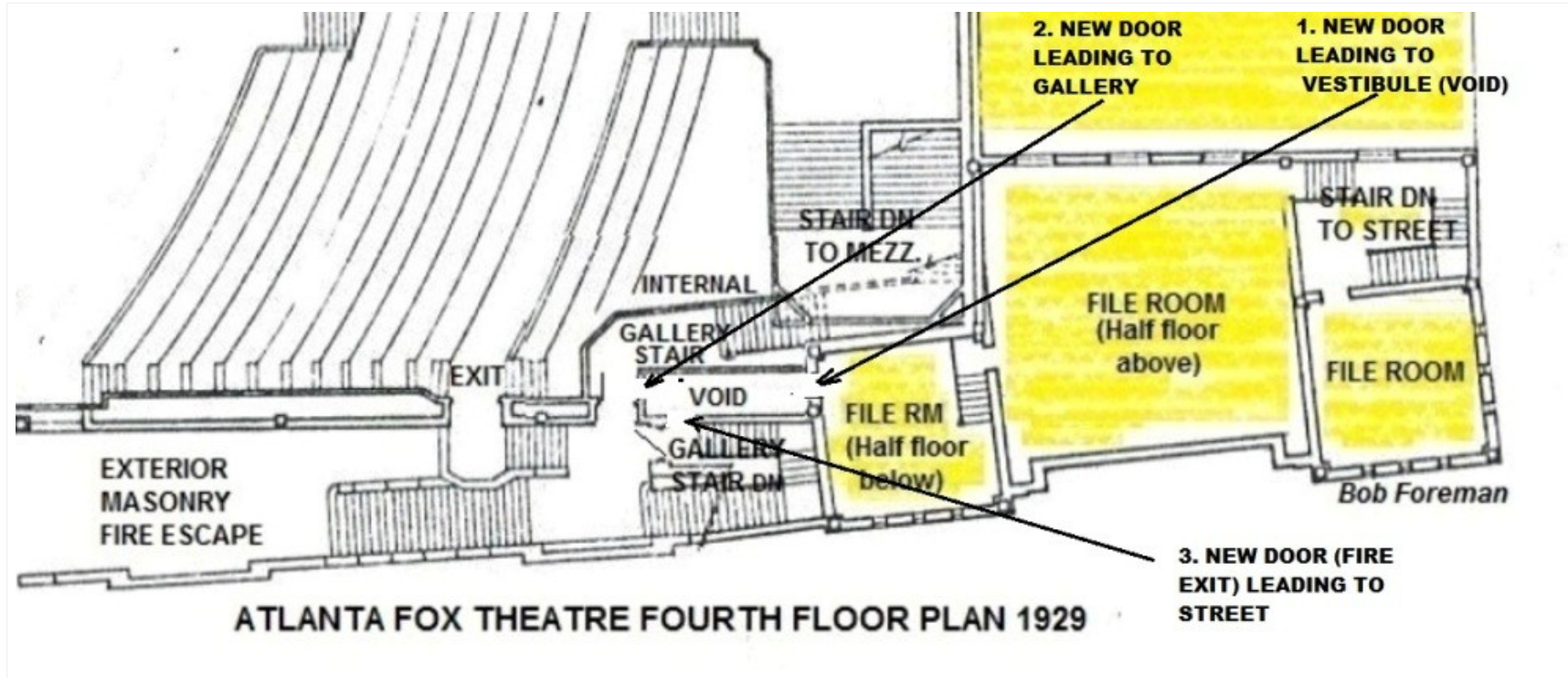
Looking from the half-stair into the Master bedroom, one can see the fire exit, Joe's "Phantom" door, cut through the wall to connect to an existing secret fire stair.



Joe's bedroom connects with two internal stairs which run from the Gallery to the exterior fire escape, then to the street. The stairs, unused for many decades, was originally utilized by projectionists to reach the booth when the Gallery (for Colored patrons) was segregated and walled off from the balcony proper. To read more about the colored entrance, [click here](#).

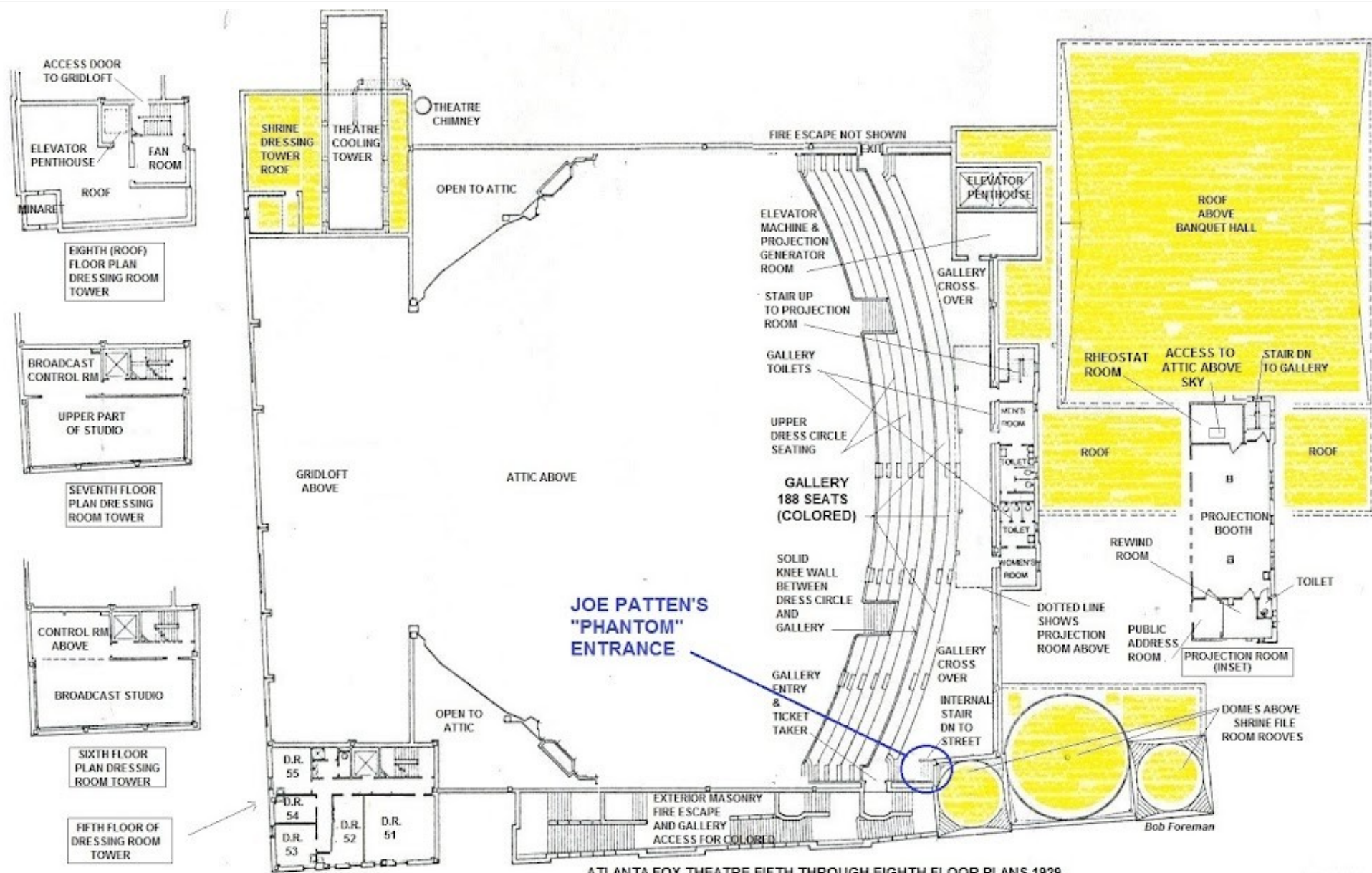


The new doors which were cut:



Joe walking from his bedroom door in new vestibule, formerly a void:





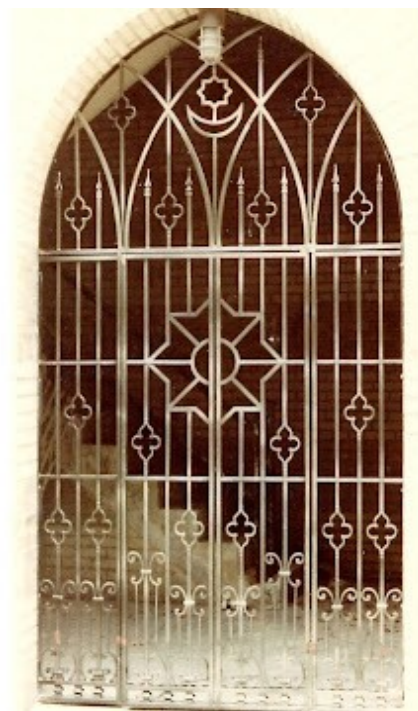
The stair brings one up to the very top of the Theatre.



[illegible]

ATLANTA FOX THEATRE GROUND FLOOR PLAN 1929

All three gates included invisible electric locks.

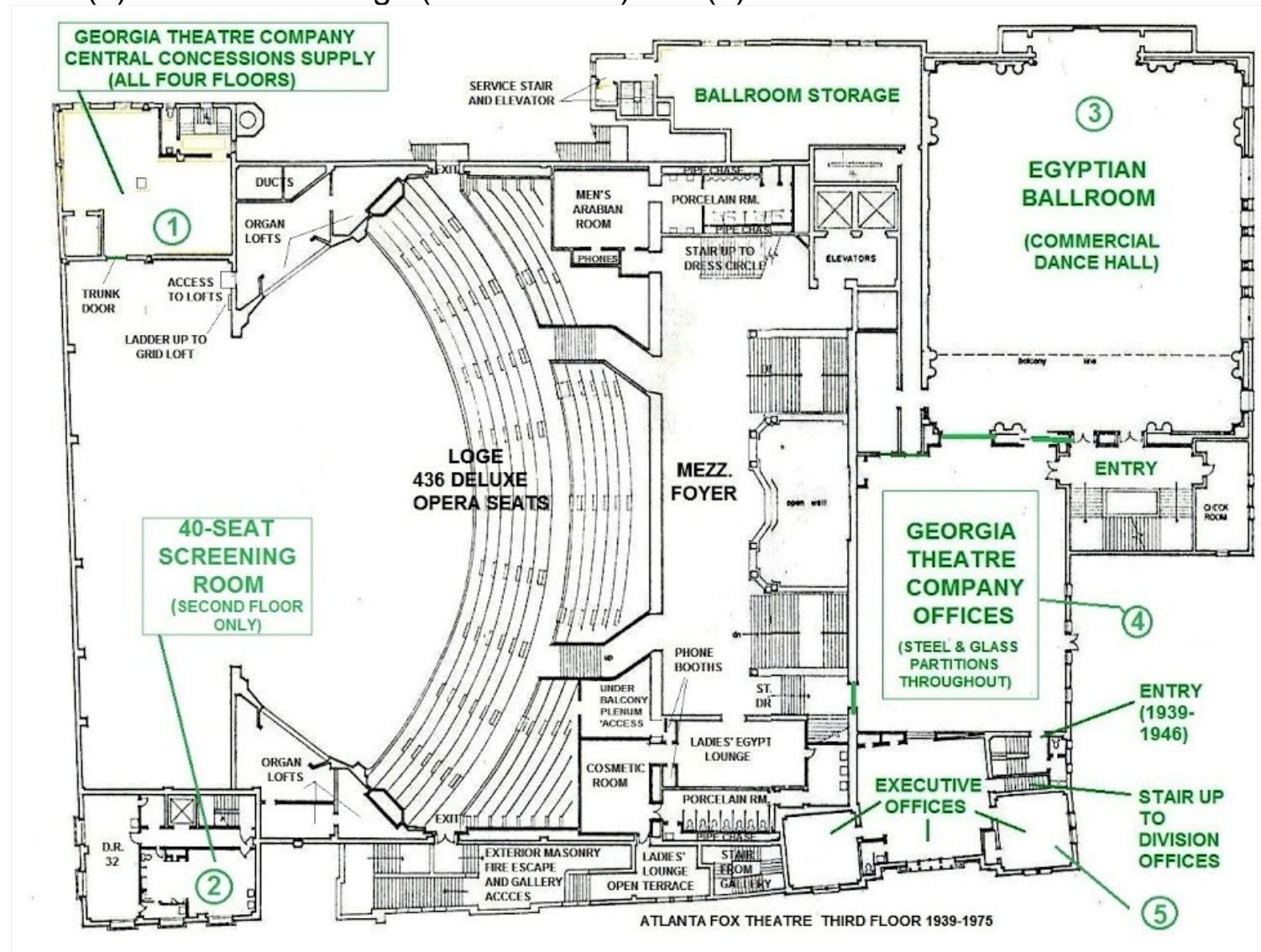


###

After the Shriners lost the Fox due to their inability to meet mortgage payments, the facility was purchased in the early 30's fifty-fifty by Paramount Pictures and Lucas & Jenkins (L&J), a Georgia exhibition chain with a hundred theatres. The Shriners remained in the building as paying tenants, slowly squeezed out as the years passed, until they vacated entirely in 1949. Their final outpost was the plain-Jane Practice Room (later named the Spanish Room), off of the Arcade.



By then, Georgia Theatre Company, the successor to the Jenkins interests, occupied (1) the Shrine dressing rooms for candy storage; (2) the Green Room and dressing room 21 for a screening room; (3) the Egyptian Ballroom, which they rented to a dance hall operator; and for their considerable office space requirements, both (4) the Shrine Lounge (Grand Salon) and (5) the former Shrine offices.



When Joe's apartment was constructed, the former Shrine areas had become the most neglected in the building. The Georgia Theatre Company office entry which would become Joe's front door (left) looked like this in 1980 (right), with the Lucas & Jenkins logo.

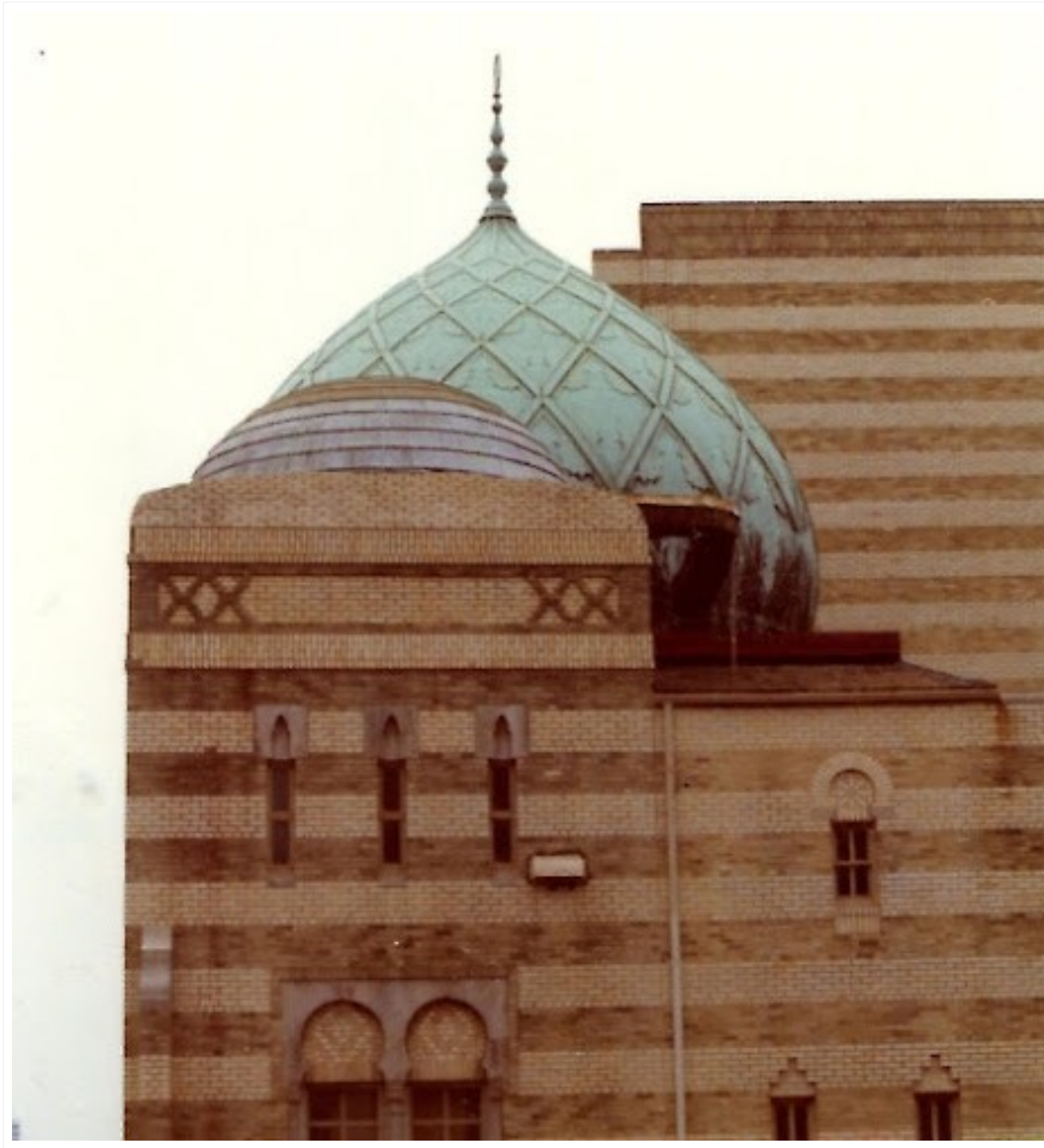


The stairwell had become a storage room for 64-sheet billboards.





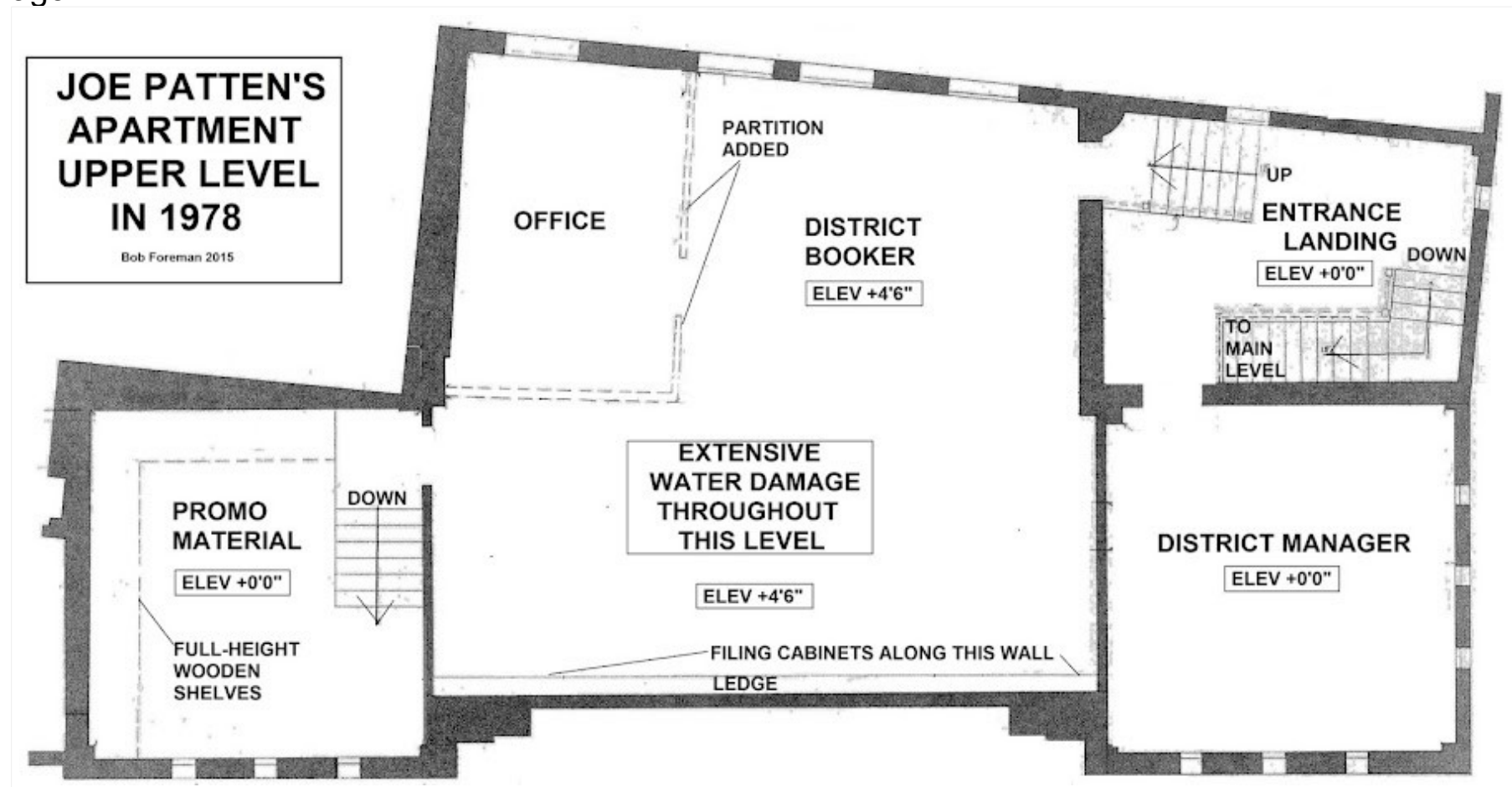
The space that Joe selected to be his apartment was not only unused, but unusable due to severe leaks, where the three domes met the roof.



Inside the main dome in 1979:



What would become the second level of Joe's Apartment had been abandoned by Georgia Theatres long ago:



Promotional material, much of it damp, was strewn throughout the upper level.



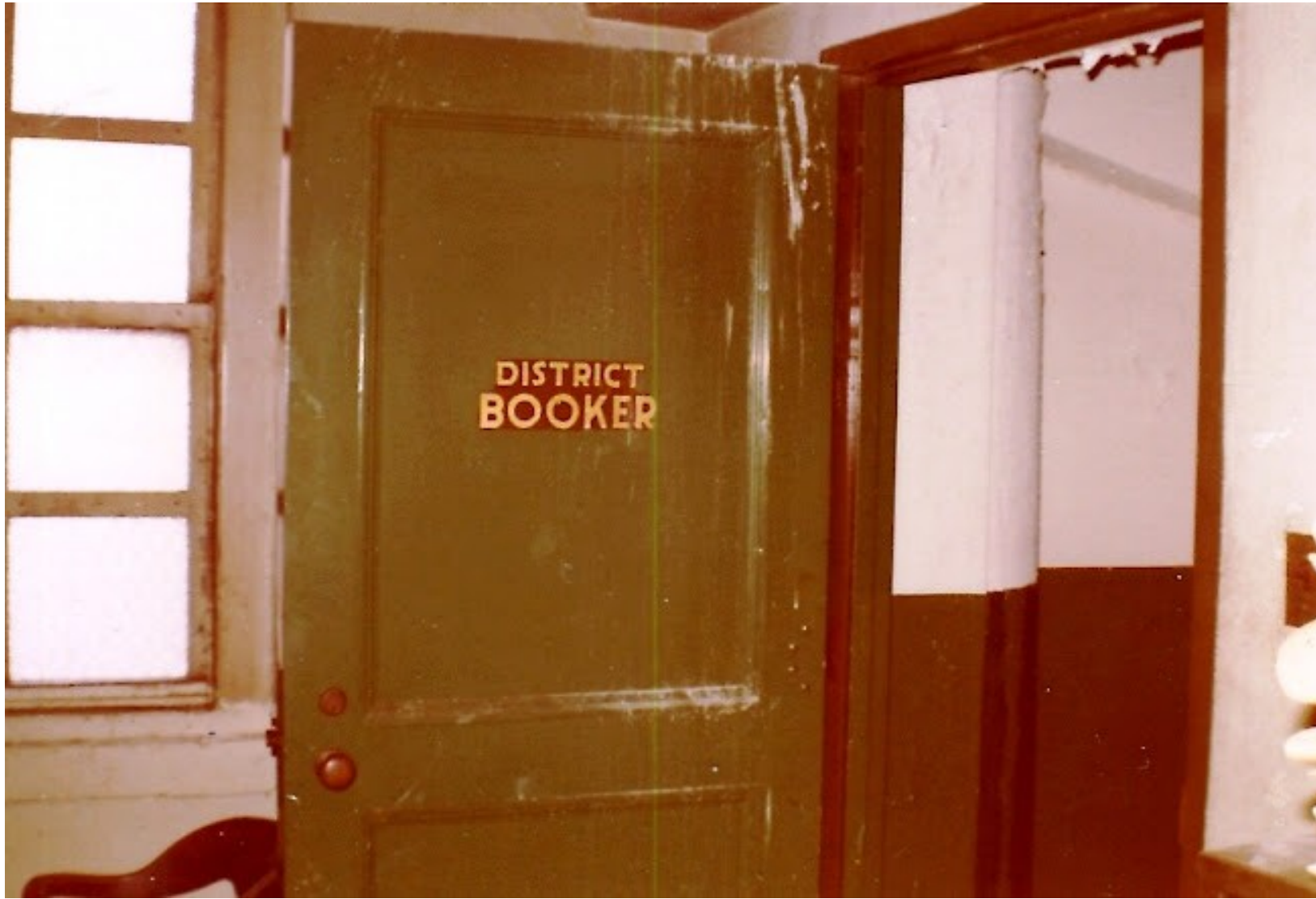
Landing at future Guest Bedroom:



Guest Bedroom:



Door to future Music Room:



Music Room:



Future bathrooms:



Master Bedroom:



The already sunken Master Bedroom, doubly sunk with a perpetually wet floor.



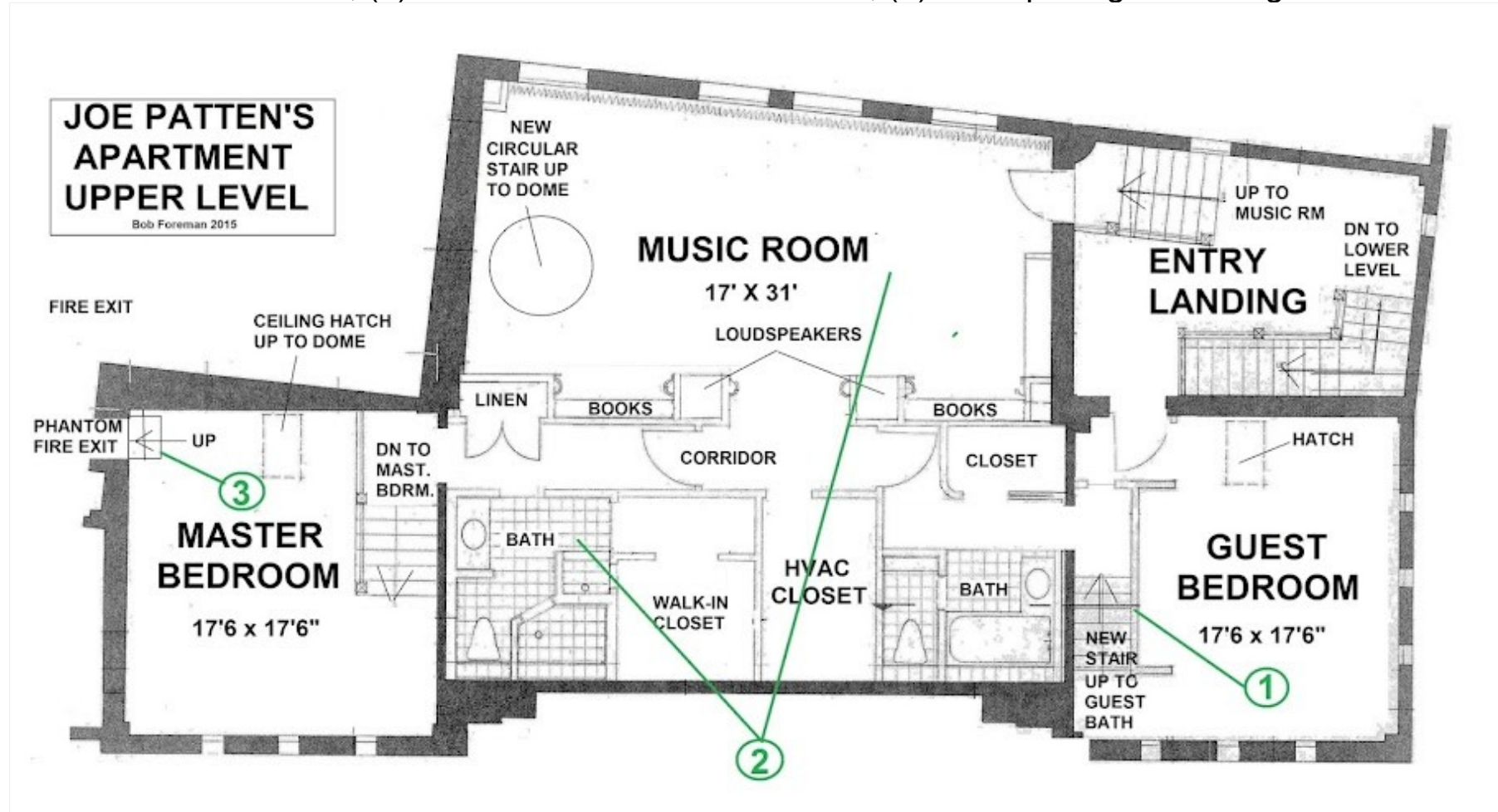
Stray furnishings, some from the Shrine Lounge:



The only remaining swatch of the original Theatre carpet served as the sample for its eventual reproduction.



The plans for Joe's Apartment called out for a comprehensive roof repair, and the majority of new construction took place on the newly-reclaimed Upper Level. (1) A new opening and stair connected the Guest Room to its bath; (2) all new Music Room and baths; (3) new opening to existing internal stair.



Construction shots of upper level:















The Grand Salon shown here in 1975, following the removal of the steel and glass partitions which had been firmly rooted to the terrazzo by Georgia Theatre Company. The Salon's lighting fixtures, room-sized rug, and most of its furnishings were long gone.



The construction of Joe Patten's Apartment necessitated the design and installation of doors and door frame within the arch leading from the Grand Salon. The central room, shown partially furnished, served as an ad hoc conference room in the late 1970's.



The new doorway and doors. The partition was lead-lined to separate the Apartment from the Theatre, acoustically.



Looking from the Central room at the new partition:



The bronze window trim, painted over.



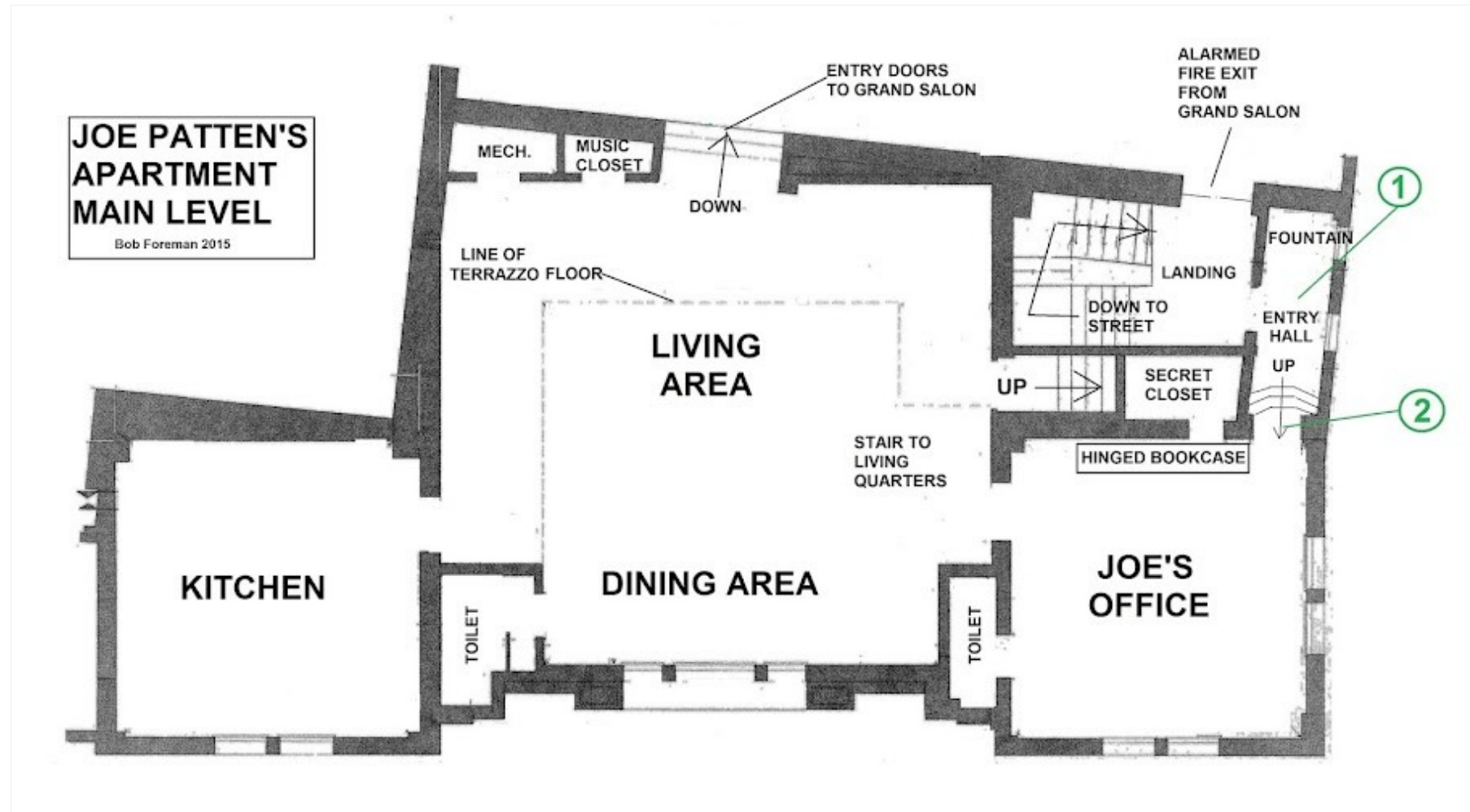
The transformation in progress. The only real marble, like in the Theatre, was the baseboard.



First General Manager of the Fox, Ted Stevens (right) visits Joe in December, 1979 just prior to the completion of the apartment.



The Shrine Offices were originally accessible only from the Grand Salon, and what is now Joe's entrance vestibule (1) was originally a restroom. An opening (2) was cut and stairs added to connect the Apartment to the Main Stairwell.



Joe's lease agreement stipulated that he pay any and all construction expenses, with a minimum of \$50,000. But according to designer Rick Flinn, the finished apartment cost almost twice that, where at every step the

more expensive option was chosen. Flinn contends that cash infusions from benevolent Board Chair Arthur Montgomery supplied the difference.

As to Lessor:
Signed, sealed and delivered
in the presence of:

Emily Ann McElroy
Unofficial Witness

Jewell M. Strubling
Notary Public
Notary Public, Georgia, State at Large
My Commission Expires Feb. 23, 1980

LESSOR:

ATLANTA LANDMARKS, INC.

By: [Signature] (SEAL)
President

Attest: E. Harold Stokes (SEAL)
Treasurer

By: Arthur I. Montgomery (SEAL)
Chairman of the Board

As to Lessee:
Signed, sealed and delivered
in the presence of:

Emily Ann McElroy
Unofficial Witness

Jewell M. Strubling
Notary Public
Notary Public, Georgia, State at Large
My Commission Expires Feb. 23, 1980

LESSEE:

Joe G. Patten (SEAL)
JOE G. PATTEN

The Fox Theatre was so poor in the late 70's that it teetered on the verge of folding. Grass root donations had paid off the \$2 million mortgage in March of 1978, but part of that cash was \$70,000 for emergency roof repair. Below Joe (left) poses for a promo shot in celebration of Norelco's gratis relamping of the Marquee and Vertical Sign, giving 3000 functioning light bulbs, for which Joe had to beg.



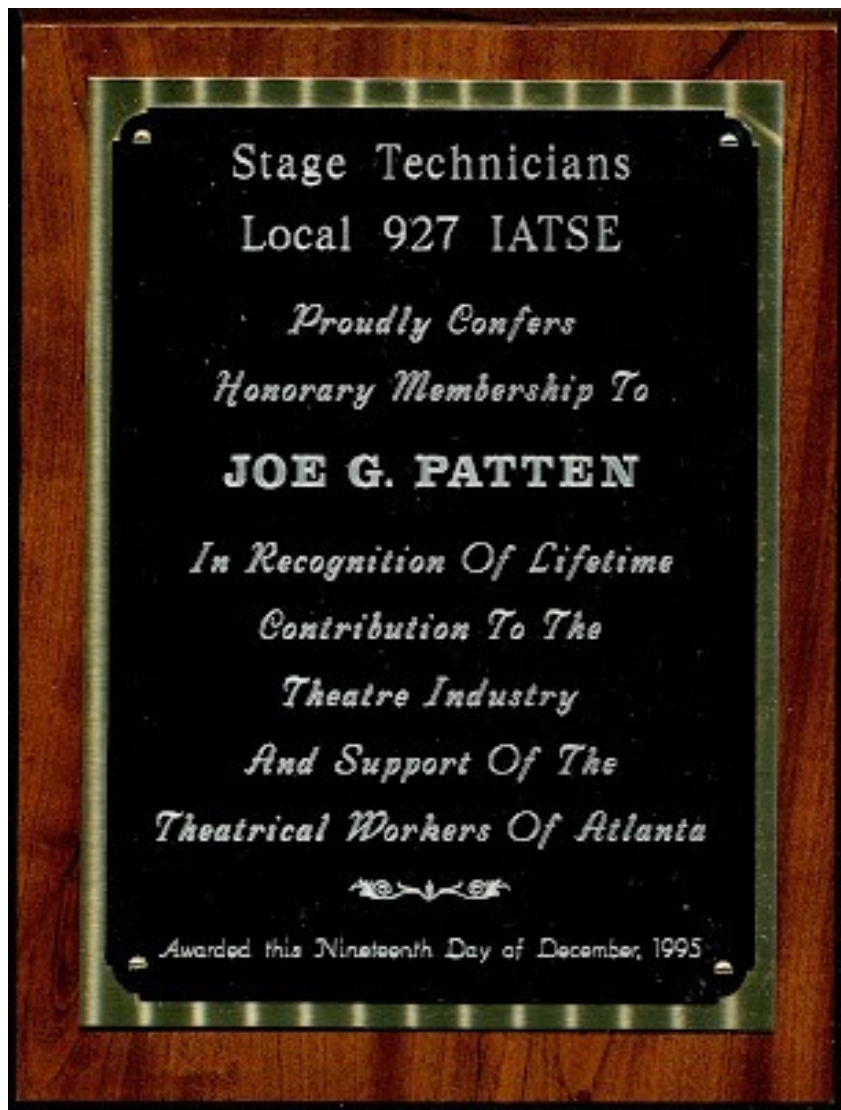
From his new regal roost, Joe Patten would oversee millions of dollars spent to restore the Fox: new (old) carpet and new (old) seats; complete rewiring including the Sunrise/Sunset effect and fire alarm; and the construction of tasteful new concession areas, connecting the Spanish Room to the Main Foyer. Total restoration of the Salon and Ballroom would follow.



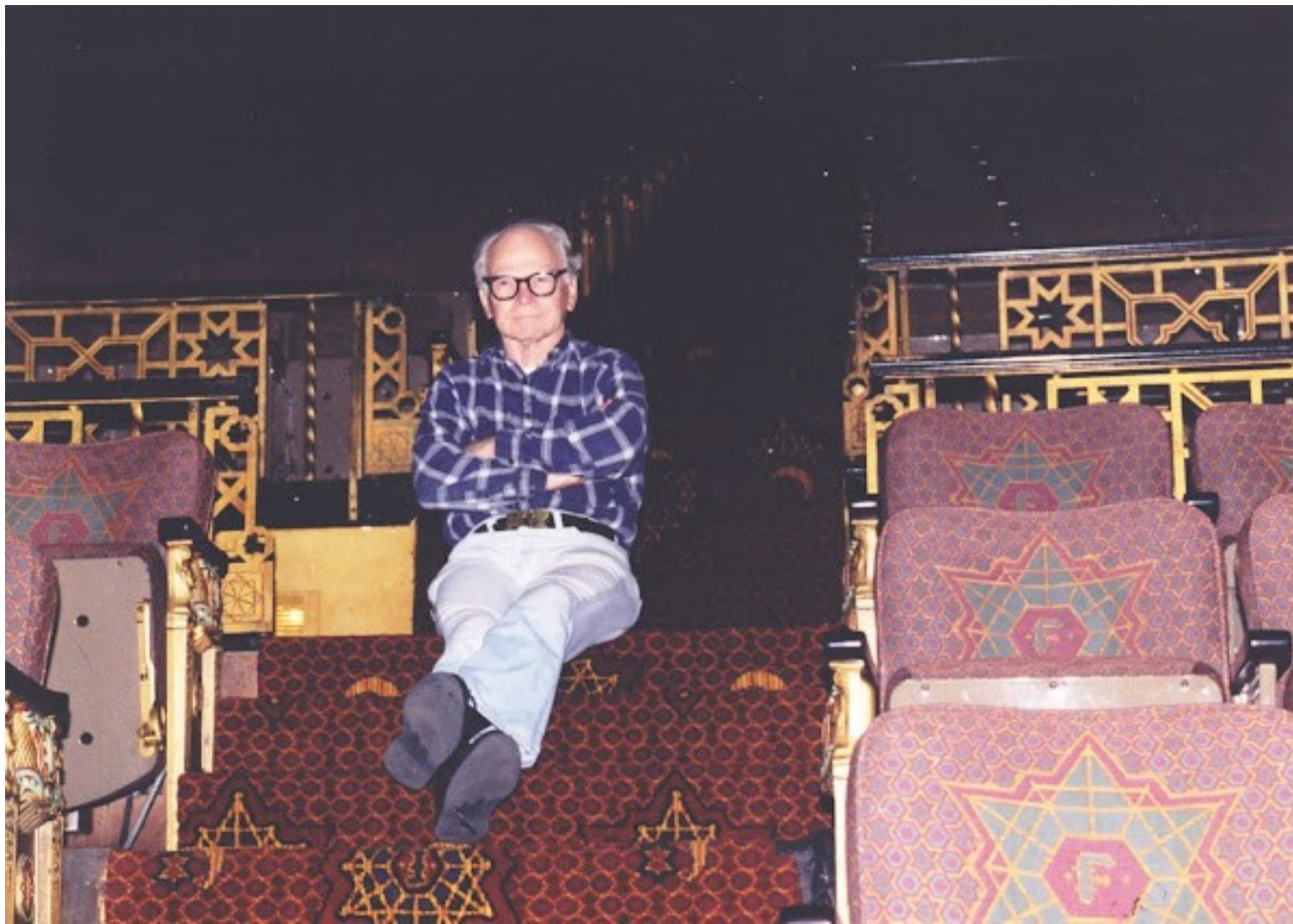
But all that lay far in the future. For six months in 1981, Joe Patten served not only as “Technical Director” and Engineer, but also as acting General Manager, when Fox Board disfavor resulted in the sudden resignation of GM Alan McCracken after his theatre rental bookings had become alarmingly sparse.



Joe enjoyed a close relationship with the Fox stagehands, IASTE Local 927, as evidenced in the plaque presented him by the Local in 1995.



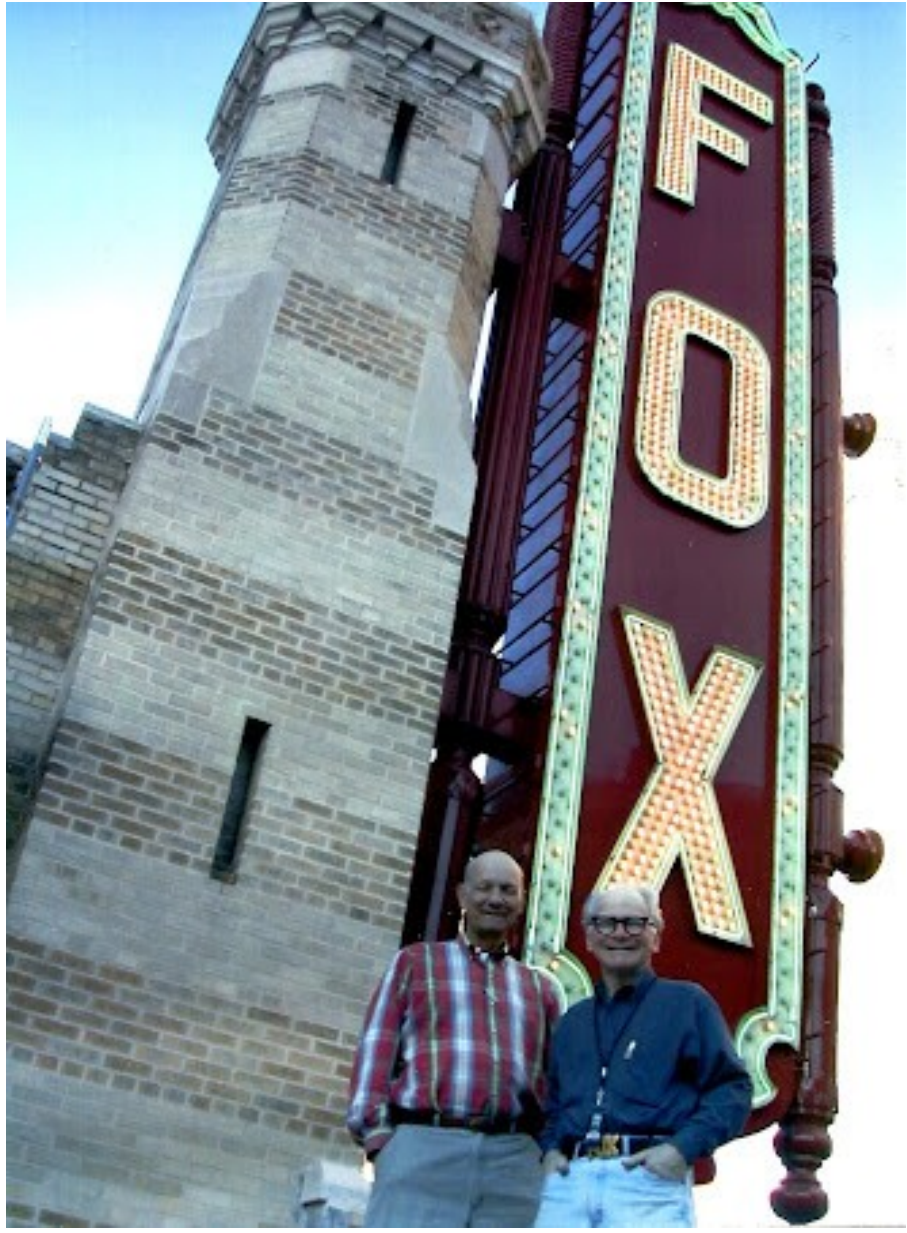
This shot from 1998 shows Joe in a rare moment of repose, doing what he most enjoyed: listening to the organ from Loge, Center.



That organ in its fully-restored majesty, Larry Embury at the controls.



My father, R.L. Foreman, Jr, who has been Joe's best friend for almost fifty years, is pictured with Joe below in 2003, two years after Joe's retirement as "Technical Director."



Joe, left foreground, cutting his birthday cake in 1976, outside his future apartment. Also shown are the author and his mom.



Occasionally, Joe would host functions where both his Apartment and Grand Salon would be combined, below in 1996 and in 2003.

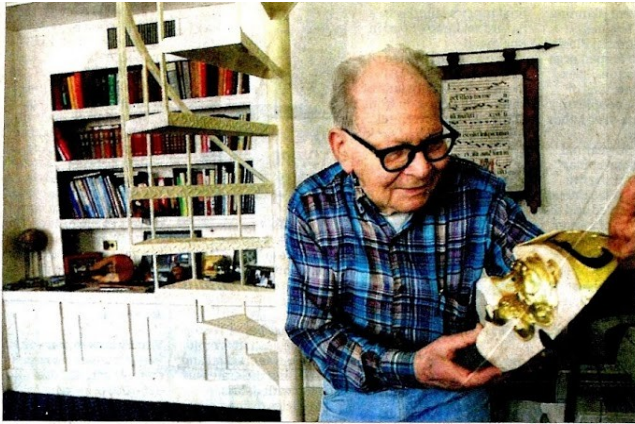


Joe and my Dad, together as usual.



For reasons that have never been fully understood, in the autumn of 2010, the Fox Theatre owner, Atlanta Landmarks, Inc., took formal action to evict Joe from his Apartment, despite their continuous denials to the contrary. The [non-eviction] eviction would be good for Joe's health and safety, the Fox claimed.

August 27, 2010 AJC



Joe Patten, ex-technical director of the Fox, has collected many art pieces to adorn the theater apartment he's occupied for decades, including this mask he bought at a car show. Phil Skinner pskinner@ajc.com

Revered Fox 'Phantom' asked to exit theater

No eviction, officials say. They want aging, ailing tenant, ex-staffer safe.

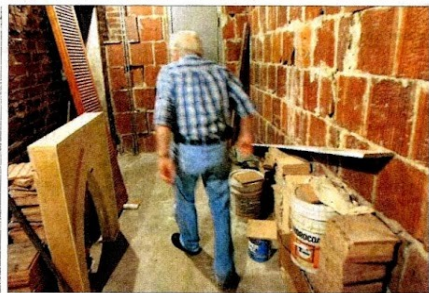
By Kristi E. Swartz
kswartz@ajc.com

The "Phantom of the Fox" may be losing his longtime home hidden away in Atlanta's grand old theater.

Joe Patten, the man credited with twice saving the historic Fox Theatre, has lived quietly in a stately 3,640-square-foot apartment inside the famous Peachtree Street landmark for about 30 years. His lease, signed Dec. 28, 1979, says he can live there rent-free for the rest of his life.

But an hour after the 83-year-old returned home from a recent stay in the hospital, he got a letter suggesting he find a nursing home.

"The whole feeling I get is that they don't want me here," Patten said Thursday at his apartment.



This passage that leads from his bedroom to a private viewing box in the theater adds credence to Joe Patten's nickname: "Phantom of the Fox." There is talk he may be forced to move. Ben Gray bgray@ajc.com

Patten is upfront about his diabetes. He said a sudden change in sugar level caused him to spend about 20 days recently at Emory University Hospital Midtown and Budd Terrace Nursing Home.

He no longer can stand up

straight and has a laundry list of medications to take, but Patten can walk up and down the stairs that lead to his apartment off Ponce de Leon Avenue. He says he is able to live on

Patten continued on B8



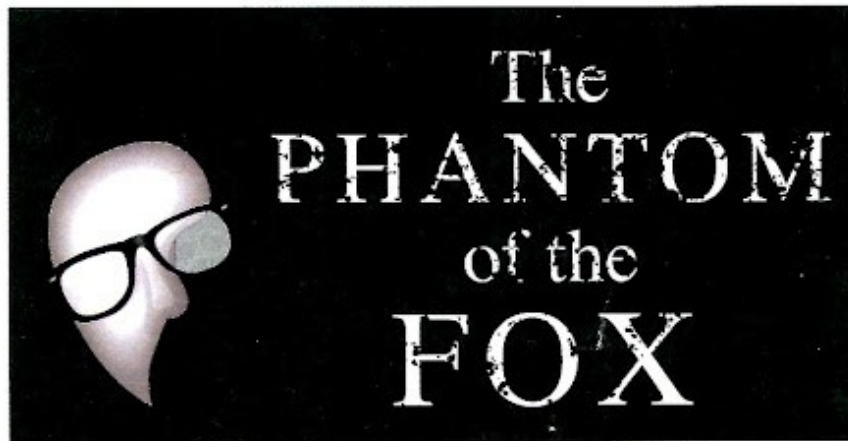
Joe Patten, 83, tinkered with the organ keys in the Fox Theatre on November 10, 2008. The ex-staffer has lived in an apartment at the theater for decades, but fears he may be forced out. He is credited with preventing the movie palace's demolition in 1974 and saving it from a fire in 1996. Staff 2008 photo

On August 30, Joe Patten accompanied by friend Lucienne Grimes, my Dad, and Joe's sister Patti Patten head toward the Board meeting where Joe's fate would be decided. After having an armed security guard remove Joe's attorney from the proceedings, the Board voted overwhelmingly to evict Joe, despite his "lifetime" lease. Joe's Beloved Fox had suddenly become the enemy.



A firestorm of protest immediately resulted, much to the dismay of the Fox, which stated, "It is unfortunate that Mr. Patten's actions in informing the Press...have made this a seemingly contentious issue." Apparently, they had hoped to evict him in secret. Pro-Joe Letters to the Editor and a massive Facebook campaign brought to public scrutiny the biggest Atlanta PR fiasco since "the New Coke."

PLEASE
HELP **SAVE**



Atlanta's own Phantom of the Fox, a.k.a. 83-year-old Joe Patten, who saved the Fabulous Fox Theatre from demolition in the '70s and again from a sweeping fire in the '90s, has been told "GET OUT!" by Atlanta Landmarks, Inc., the nonprofit that owns the theatre. Joe was awarded a lifetime lease on his Fox Theatre apartment for his tireless work and personal dedication to the Fox. Without Joe there would be no Fabulous Fox. How dare they treat him like this?

PLEASE HELP SHOW YOUR SUPPORT!



Save Joe The Phantom of the Fox Theater



PhantomofFox

Or email us at: SaveThePhantom@gmail.com

A beautifully crafted indictment of the Fox board appeared in the AJC on September 3, 2010, written by Atlanta theatre veteran, Steve Cucich.

AJC 9/03/2010

GUEST COLUMN

Shame on Fox Theatre's board

By **A. Stephen Cucich**

While the days of a gold retirement watch have long passed, nothing more clearly shows the collapse of corporate integrity and gratitude than the Fox Theatre's decision to violate its lifetime contract with Joe Patten, the theater's long-standing savior and stalwart.

Patten is generally regarded as the man who twice saved the Fox – once from the wrecking ball in the 1970s and again in 1996 from an early morning fire that would not have been so promptly contained had Patten not been in residency and alerted firefighters to it.

Now, the theater's board of directors has canceled its earlier agreement and issued Patten a new lease, which could lead to his expulsion from his guaranteed living quarters on the theater's upper floors above Ponce de Leon Avenue.

Throughout his more than three decades of service to the theater, Patten was largely responsible for overseeing the rehabilitation of the dilapidated property and engaging in its massive fund-raising campaign, resulting in the building's restoration to landmark status. Today, the Fox has become one of the country's most celebrated and heavily used show places.

Beyond that, it was Patten, the Renaissance man, who personally restored the theater's mighty Möller organ and who worked hand-in-glove with the team of historic preservationists to make certain that the aesthetics of the facility were restored tastefully and with fidelity to their original design and character.

In exchange for these valuable services, Patten was awarded a permanent contract by the board of directors, guaranteeing that he would have lifelong on-site living accommodations. The document included a covenant that the lease could be terminated by a two-thirds vote from the board.

This caveat was included to protect the property in the unlikely event that he should commit a felony or otherwise bring embarrassment on the institution. Such caveats are typical for persons who receive lifetime appointments or permanently beneficial arrangements.

Now that Patten is older and the theater's success has made the property more valuable, the board has used that clause to claw back his space, claiming Patten's dwindling health as its rationale. In an effort to appease the ensuing public outrage, the theater continues to protest that it has offered Patten a new contract, but it is so crowded with onerous restrictions and untenable conditions that it is clearly calculated to assure Patten's expulsion.

Amid all of the drama of Monday night's board meeting, even though the theater was well represented by two attorneys, Patten was deprived of his legal representation, and his attorney was literally escorted from the proceedings by the theater's privately hired police officer.

It is ironic that the arts are conceptually about humanism and compassion. We look to our institutions for this sort of leadership. What has the Fox shown us here? How to kick an old man to the curb.

When our cultural institutions turn callous, it's normally the invention of a single person who is a man of esteem and stature and who is able to machinate broad support. So, to lift a line from "King Lear," "The Prince of darkness is a gentleman." He should hang his head in shame.

Finally, the Fox Theatre is one of the world's most venerable show places and it deserves our community's continued and enthusiastic support. Its board of directors, however, has chosen a blind and tone deaf path in creating this unnecessary and unprovoked issue. It needs to reverse itself immediately, apologetically and without prejudice.

A. Stephen Cucich is an arts publicist and marketing strategist who worked with the Fox Theatre during its restoration in the 1970s.

A mere ten days after Joe received his lease termination letter (by certified mail and by hand delivery), the New York Times catapulted Joe's sad plight into the national spotlight.
September 12, 2010

The New York Times An Uneasy Reversal Of Roles for Theater And Its Caretaker

By ROBBIE BROWN

ATLANTA — For the last two weeks, Atlanta residents have been wrestling with the kind of difficult, emotional question normally posed only within families: when is a loved one too old to live alone?

The individual, in this case, is Joe Patten, who is 83. The reason he has become the subject of city-wide debate — on talk radio, in newspaper columns, on Facebook groups, in street protests — is his unusual living arrangement.

Mr. Patten is the only person who lives at the Fox Theater, the city's most famous and revered performing arts venue, where he

atives. Although Joe is not family, he feels like family at times."

The debate has struck a nerve in Atlanta, particularly among people who are involved in the theater and in caring for the elderly.

Mr. Patten, a soft-spoken, diminutive World War II veteran who wears faded jeans and a metallic "Fox" belt buckle and still voluntarily does repairs around the theater, is cherished by the city's arts patrons. He is widely credited with twice saving the Fox: first in 1974 by leading a fund-raising campaign that prevented the building's sale, and again in 1996 by detecting a quick-spreading fire that threatened the site.

Most Atlantans have lined up behind Mr. Patten, with more than 7,000 people joining Facebook groups like Save Joe, the Phantom of the Fox Theater and others calling for boycotts. Mr. Patten, who retired in 2004, never married and has no relatives in Georgia, has said he is humbled and pleased by the support.

"His whole desire, his whole objective is to die in there," said A. Stephen Cucich, an arts publicist in Atlanta who has presented shows at the Fox. "The Fox miscalculated. They made a ruthless decision. They thought this would be private, but it's gone public."

The Fox was built in 1929 as a Shriners temple. The cavernous building served as a movie theater for decades, and these days is host to entertainment as varied as Broadway musicals, rock concerts and high school proms. It also contains the nation's second-largest theater organ, named Mighty Mo, which Mr. Patten restored to working condition.

For many Atlantans, the story of Mr. Patten has been reflected through the prism of personal ex-



PHIL SKINNER/ATLANTA JOURNAL-CONSTITUTION

Joe Patten has lived in Atlanta's Fox Theater since 1979, under a promise made by the board of directors. Now the board, worried that he is too old to live there alone, is urging him to leave.

couldn't stay at home," Ms. Killingsworth said. "But it's really a family decision. It would have been much more appropriate if the Fox had sat down and discussed it with Joe and his family and close friends and doctors."

Whether Mr. Patten is healthy enough to live in the 3,640-square-foot apartment is as touchy a subject as who should decide.

For his part, Mr. Patten could not be clearer in his wish to stay. "I know every light bulb in this building," he said. "I enjoy it here and always have. This is the last thing I thought would happen."

He cites the original lease, signed on Dec. 28, 1979, that grants him residency for life. But the Fox board points to a clause in the contract that allows the terms to be revised with a two-thirds vote of the board, which occurred last month.

Under an agreement proposed by the theater and rejected by Mr. Patten, he would be allowed to stay only as long as he is able to care for himself, and would be required to seek the board's approval for house guests.

Mr. Patten's lawyer, Emmet J.

Bondurant, called the proposal an insult. "No reasonable person would expect Mr. Patten to agree to those terms, and no person in Mr. Patten's position would find them acceptable," Mr. Bondurant said in a statement. Lawyers for both sides are working toward a compromise, and the Fox says Mr. Patten will not be evicted.

Critics have questioned whether the theater's motivation is financial, a charge that its officials deny. The apartment is a highly valuable space at the heart of Atlanta's downtown cultural and business district. In a letter to Mr. Patten on Aug. 11, the chairman of the theater's board wrote that the space was "sorely" needed for other purposes — a statement that Mr. Vella, the theater's general manager, now denies.

Robert L. Foreman Jr., a friend of Mr. Patten and a Fox board member who voted against the changed lease, said of the theater's action, "There may be some hidden agenda." He said the theater might be protecting itself against a lawsuit, should Mr. Patten be hurt or die on the property.

Mr. Patten was hospitalized recently after suffering a minor

stroke. Theater officials say it is dangerous for him to climb the 79 stairs that lead to his apartment. But friends say Mr. Patten is mentally and physically alert. He cooks for himself and still drives a 1937 Rolls-Royce Sedan de Ville and three other cars.

What will become of the apartment itself whenever Mr. Patten departs is the final question. He says he spent \$58,000 turning it from storage and office space into a cascading, three-story penthouse decorated with Persian rugs, player pianos and stuffed deer and antelope that he shot in Wyoming.

The theater says it does not intend to lease the apartment to anyone else. Besides, no one else would be appropriate, Mr. Cucich said.

"I've worked in theaters worldwide, including some of the most glamorous and celebrated houses known to man, and I don't know of any that have such a person in residence," he said. "If I went to central casting looking for a 'Phantom of the Fox,' I don't think they could find anyone more picturesque than Joe Patten."

Atlanta's 'Phantom of the Fox' does not want to move.

once worked as an electrician and technical director. Since 1979, Mr. Patten has lived in an opulent, rent-free caretaker's apartment on the property — a reward for helping to save the theater from a scheduled demolition in the 1970s.

But now, fearing that his health is deteriorating, the theater's board of directors has taken steps to encourage Mr. Patten, who has diabetes and spine problems, to move out eventually, possibly to a nursing home.

"Joe may die in the theater, yes, but it's not our desire for him to be here when he is no longer able to care for himself," said Allan C. Vella, the theater's general manager. "This is an issue that a lot of families have with elder rel-



ATLANTA JOURNAL-CONSTITUTION

perience. "It reminds me of my grandmother," said Allison Browning, 38, a consultant who has followed the story on the local evening news. "She thought she could go, go, go when she was 92 years old. But at a certain point, the kindest thing is to help them realize they need our help."

Marcia Killingsworth, 55, a freelance writer who has organized support online for Mr. Patten, said she was motivated in part by a similar experience with her mother. "She had cancer, and it reached a point where she

Public protest mounted, in all shapes and size, against Fox board members Woody White, Beauchamp Carr, and theatre manager Allan Vella.



Joe filed a lawsuit claiming breach of contract and numerous violations of the Georgia Fair Housing Act. The complete details of this sordid tale are best told in this excerpt from the petition filed by Joe's attorney, Emmett Bondurant, ably assisted by Mike Caplan. <http://foxfact.blogspot.com/2014/11/patten-vs-fox-excerpts.html> October 6, 2010

Fox tenant files lawsuit over lease

83-year-old 'Phantom' suing theater because of change in terms.

By **Kristi E. Swartz**
kswartz@ajc.com

The man known as the Phantom of the Fox Theatre is now suing his landlords for changing the terms of his lease.

Joe Patten, 83, is accusing Atlanta Landmarks, which runs the historic theater in Midtown, of "willful, intentional and deliberate acts of housing discrimination." Patten signed a lease with Atlanta Landmarks in 1979 allowing him to live in renovated office space in the theater rent free for the rest of his life.

The Fox's board of trustees voted in August to change that lease, saying Patten could live there "as long as he is able." In other words, Patten can remain there until he can no longer live independently.

"We continue to be concerned for Joe," Fox Theatre spokeswoman Kristen Delaney



Joe Patten, known as the Phantom of the Fox, signed a lifetime lease for his apartment at the Fox Theatre in 1979, but the board of trustees altered that agreement in August. **Phil Skinner** pskinner@ajc.com

said in a statement Tuesday. "Our position still stands that Joe is welcome to continue to live in the apartment for as long as he is able."

The Aug. 26 meeting came after Patten returned from a stay in the hospital and in a rehabilitation center after a mild stroke. Patten then received a letter from Woody White, president of Atlanta Landmarks, ask-

ing him to seek out an "assisted living residence."

White is also named in the lawsuit, which was filed Monday in Fulton County Superior Court.

The suit asks that Atlanta Landmarks pay for damages — including punitive damages — as well as attorney's fees and

Fox continued on B8

Victory! The expected trial turned out to be a non-event when Judge Jerry Baxter, in closed chambers, instructed The Fox to reinstate Joe's lease immediately and to work out a satisfactory agreement between the parties. The session lasted forty minutes. Below, Joe, my father, and Barry Graham. October 21, 2010



Joe Patten (left), known as the "Phantom of the Fox," waves as he leaves Fulton County Superior Court on Wednesday with an agreement that he can remain in his Fox Theatre apartment. **David Goldman** AP

'Phantom' can stay home, sides agree

Legalities of tenant's Fox Theatre apartment lease to be resolved.

By **Kristl E. Swartz**
kswartz@ajc.com

The original lease that has allowed Joe Patten, aka the "Phantom of the Fox," to live in an apartment hidden within the historic venue for more than 30 years will remain in place, at least for now, his lawyer said Wednesday.

Patten's lawyer, Emmet Bonduant, and attorneys representing the Fox Theatre agreed to reinstate that lease, which the theater's board terminated in August. This means Patten can continue living in the apartment until additional legal issues are resolved.

"There will be no action to try to get him to leave; that's been agreed to by both sides," Fulton County Superior Court



Joe Patten, with friend Lucinne Grimes, waits while attorneys discuss in the judge's chambers Patten's future at the Fox.

Bob Andres bandres@ajc.com

Judge Jerry Baxter told the courtroom. "Both sides are working together to try to work this thing out, and it's my hope that it will be worked out."

Patten and his friends, who were sitting in the front of the courtroom, began applauding

Fox continued on B6

'Phantom' can stay at theater

Fox

continued from B1

after Baxter's message.

Baxter called lawyers for the Fox Theatre and the man known as its "Phantom" into his chambers moments before a Wednesday hearing about how long its longtime resident can remain living in the historic venue. Lawyers for both sides came to an agreement about 40 minutes later, and the hearing was canceled.

Patten emerged from the courthouse about 20 minutes later, telling a group of reporters that "we won."

"I'm certainly delighted for this day to come and end up like it is, and it is an experience that I never thought I would have to go through," Patten said, with lawyers and friends standing behind him. "And we'll get back to the Fox and make sure that the Fox carries on, hopefully in a very successful manner."

Patten, 83, was suing

lowing him to live there rent-free for the rest of his life.

The board of Atlanta Landmarks in August voted to do away with that lease and write a new one, saying Patten can live there "until he is able," or until he needs round-the-clock care.

Bondurant said that an outright claim of victory is premature. But Bondurant said his client's original lease stands for now, unless the Fox wants to pursue terminating it again.

Bondurant said he will seek a permanent injunction if that happens. "We hope that can be avoid-

ues to be the intent of Atlanta Landmarks to allow Mr. Patten to live in the apartment as long as he is able," Fox Theatre spokeswoman Kristen Delaney said. "We hope that today's proceedings will lead to a mutually beneficial resolution, which has always been our desire."

Delaney said lawyers have agreed to discuss concerns about security and management in and around the apartment.

Bondurant told reporters that Fox officials were concerned about whether Patten would be able to monitor the theater and provide security for it.



Bob Foreman (left) and an unidentified woman picketed outside Fulton County Superior Court on Wednesday before the hearing on whether Joe Patten had the right to stay in his Fox apartment. **Bob Andres** bandres@ajc.com

The case was closed for good in June of 2011, when a final agreement between the two parties was approved by Judge Baxter. "That Atlanta Landmarks will continue to have the right to manage the property" was always assumed and not part of the lawsuit. Perhaps Judge Baxter put the Fear of God into them.

Patten's lawsuit has been dismissed according to a statement, released by theater spokeswoman Kristen Delaney.

"Joe Patten, Atlanta Landmarks and Woody White are pleased to announce that they have resolved all of the claims and issues associated with Mr. Patten's lawsuit and that the lawsuit will be dismissed," the statement said. "Under the terms of the settlement agreement, which are confidential, Mr. Patten will continue to live in the apartment and Atlanta Landmarks will continue to have the right to manage the theatre property."

Even in total defeat and humiliation, the Fox did not relent. According to a reliable source, the agreement (which the Fox insisted be kept confidential) stipulated that Joe must give up his keys to the Theatre and thus access to the Ballroom patron elevator which he had previously used routinely. He was allowed use of the elevator "only in emergencies." This condition also meant that Joe's elderly friends would be unable to visit him.



The source also maintains that The Fox was required to pay all of Joe's attorney's fees, which ran to \$135,000. Assuming the Fox spent at least that amount, this non-profit corporation may have spent over a quarter of a million dollars of donated funds to evict Joe Patten.

Joe continues to live in his home in the Fox.

At the time of this writing, the street gate to Joe's fire stair is shrouded with a tarp to conceal the use of the stair for storage, likely in violation of fire codes.



The stairwell is unlit (except by the camera's flash), obviously in violation of fire codes.



Joe Patten passed away on April 7, 2016 at age 89. To read his obituary in The New York times, [click here](#). To view a brief 1982 video profile of Joe, [click here](#). To view a Joe Patten photo gallery, [click here](#). To view the 2002 Atlanta Magazine profile of Joe, [click here](#). The apartment is to be converted into office space, according to Fox Theatre drawings of January, 2020-- [click here](#).

Entire contents of the above Copyright December, 2015 Bob Foreman, lovethatbob13@gmail.com. Grateful acknowledgement is made to Joe Patten and Patti Patten. Photos by Robert L. Foreman, Jr., Ray Spurlin, Mitch Deutsch, and Hal Doby.

December, 2015.

To view the Master Index of all of Bob Foreman's posts, [click here](#).